

10-0307

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCILMAN C. T. MARTIN AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE II, SECTION 62-46 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (ENTITLED "PRETRIAL DIVERSION FEE") SO AS TO SPECIFY THE GENERAL FUND USES FOR WHICH THE FEES SHALL BE ALLOCATED; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

SUBSTITUTE ADOPTED BY

MAR 01 2010

COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred: 2/11/10  
 Referred To: Public Safety  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

PSLA Committee  
 Date 2/9/10  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other Substituted for 2 weeks cert. 1/10  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

PSLA Committee  
 Date 2/23/10  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other Substituted  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side)  
 Other \_\_\_\_\_  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

- FINAL COUNCIL ACTION
- 2nd
  - 1st & 2nd
  - 3rd
  - Consent
  - V Vote
  - RC Vote

CERTIFIED

MAR 01 2010

CERTIFIED

MAR 01 2010

Frankie Douglas Johnson  
MAYOR'S CLERK

MAYOR'S ACTION

*[Handwritten Signature]*



CITY COUNCIL  
ATLANTA, GEORGIA

AN ORDINANCE

10-O-0307

BY COUNCILMEMBERS C. T. MARTIN, H. LAMAR WILLIS,  
KWANZA HALL, IVORY L. YOUNG, JR., AND AARON WATSON

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE II, SECTION 62-46 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA (ENTITLED "PRETRIAL DIVERSION FEE") SO AS TO CLARIFY THE GENERAL FUND USES FOR WHICH THE FEES SHALL BE ALLOCATED; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, O. C. G. A. Section 15-18-80 (f), from which the authority derives for the Solicitor of the Municipal Court to create and administer a pretrial intervention and diversion program and to charge a fee therefor not to exceed \$300.00 to each participant; and

WHEREAS, said state law provides that the purpose of the fee is to defray the cost to the Solicitor's Office for the administration of the program, however, the funds so collected are placed into the city's general fund and not directly applied to administer the program as contemplated by state law.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

**Section 1:** Chapter 62, Article II, Section 62-46 of the Code of Ordinances of the City of Atlanta, Georgia which currently provides as follows:

Sec. 62-46. Pretrial diversion fee.

In every case that a defendant is allowed to participate in any pretrial diversion program under the supervision of the solicitor of the municipal court, there shall be imposed a fee as a condition of completion of the pretrial diversion program. Such a fee shall be in an amount not to exceed \$300.00. Any fee may be waived or amended upon determination as to undue hardship, inability to pay and any other extenuating factors that prohibit collection of the fee. All fees collected shall be paid into the general fund of the city.



Is hereby amended by adding the following language to the end of the last sentence:

**“and shall be applied to defray the cost of the administration of the program.”**

**So that when amended, said Section shall provide as follows:**

Sec. 62-46. Pretrial diversion fee.

In every case that a defendant is allowed to participate in any pretrial diversion program under the supervision of the solicitor of the municipal court, there shall be imposed a fee as a condition of completion of the pretrial diversion program. Such a fee shall be in an amount not to exceed \$300.00. Any fee may be waived or amended upon determination as to undue hardship, inability to pay and any other extenuating factors that prohibit collection of the fee. All fees collected shall be paid into the general fund of the city **and shall be applied to defray the cost of the administration of the program.**

**Section 2:** All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.

A true copy,

A handwritten signature in black ink, appearing to be "G. Reed", written over a horizontal line.

Deputy Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed

MAR 01, 2010  
MAR 09, 2010

RCS# 99  
3/01/10  
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 2  
ABSENT 0

Y Smith	NV Archibong	Y Moore	E Bond
E Hall	Y Wan	NV Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I