

#8

Done 12-15-0077  
Do Not Write Above This Line

AN ORDINANCE TO AMEND SECTION 106-229 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA (ENTITLED "CHILDREN IN NEED OF SUPERVISION") SO AS TO MODIFY THE PENALTY PROVISION THEREOF TO CAUSE SAID PROVISION TO BE CONSISTENT WITH THE GENERAL PENALTY PROVISION CONTAINED IN THE ATLANTA CITY CODE; TO WAIVE CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ADOPTED BY

FEB 06 2012

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

Date Referred: 1/3/12  
 Referred To: Public Safety  
 Date Referred:  
 Referred To:  
 Date Referred:  
 Referred To:

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

First Reading

Committee: Public Safety & L.A.  
 Date: 1/3/2012  
 Chair: \_\_\_\_\_

Action: Fav, Adv, Hold (see rev. side)  
 Other: \_\_\_\_\_  
 Members: \_\_\_\_\_

Refer To: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Committee: PSLA  
 Date: 1/3/12  
 Chair: \_\_\_\_\_  
 Action: Fav, Adv, Hold (see rev. side)  
 Other: \_\_\_\_\_  
 Members: \_\_\_\_\_

Members: \_\_\_\_\_  
 Chair: \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Refer To: \_\_\_\_\_

Committee

Date

Chair

Action: Fav, Adv, Hold (see rev. side)  
 Other: \_\_\_\_\_  
 Members: \_\_\_\_\_

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

Members: \_\_\_\_\_  
 Chair: \_\_\_\_\_  
 Action: \_\_\_\_\_  
 Other: \_\_\_\_\_  
 Refer To: \_\_\_\_\_

FINAL COUNCIL ACTION  
 2nd     1st & 2nd     3rd  
 Readings  
 Consent     V Vote     DRC Vote

CERTIFIED

CERTIFIED  
 FEB 06 2012  
 ATLANTA CITY COUNCIL PRESIDENT

CERTIFIED  
 FEB 06 2012  
 Municipal Clerk

MAYOR'S ACTION

APPROVED

FEB 15 2012

WITHOUT SIGNATURE BY OPERATION OF LAW



CITY COUNCIL  
ATLANTA, GEORGIA

*John M. Sheperd*  
*Michael J. Bond*  
12-0-12-0-0077  
*Ala. Kinslow*  
*Natasha Archuleta*  
*Jan 1/2*

**AN ORDINANCE BY COUNCIL MEMBER MICHAEL J BOND ON BEHALF OF COUNCIL PRESIDENT CEASAR C MITCHELL**

**AN ORDINANCE TO AMEND SECTION 106-229 OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA (ENTITLED "CHILDREN IN NEED OF SUPERVISION") SO AS TO MODIFY THE PENALTY PROVISION THEREOF TO CAUSE SAID PROVISION TO BE CONSISTENT WITH THE GENERAL PENALTY PROVISION CONTAINED IN THE ATLANTA CITY CODE; TO WAIVE CONFLICTING ORDINANCES AND CODE SECTIONS; AND FOR OTHER PURPOSES.**

**WHEREAS,** more flexibility is desired and necessary in the corrective measures and penalties to be imposed with regard to violations of Section 106-229 of the Code of Ordinances of the City of Atlanta; and

**WHEREAS,** the City Council agrees that said Code section should be amended in order to accomplish this purpose.

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

**Sec. 106-229. – Child in need of supervision.**

**(a)**

Any minor age six through 15 years old who loiters, wanders, strolls or plays in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, unsupervised by an adult having the lawful authority to be at such places, between the hours of 8:30 a.m. and 2:30 p.m. on any school day shall be considered a child in need of supervision.

**(b)**

A minor shall not be considered a child in need of supervision under the circumstances set forth in items (1) through (6) of section 106-227 of this chapter, or in the following instances:



(1)

When the minor is enrolled in a valid home study program as authorized by O.C.G.A. Section 20-2-690;

(2)

When the minor has completed all course study requirements for high school graduation;

(3)

When the minor is married in accordance with applicable law;

(4)

When the minor has written proof from school authorities that he/she is excused from school attendance at that particular time; or

(5)

When the minor is participating in an approved school or study activity which requires the minor to be off school property.

(c)

A police officer shall transport any minor charged with being a child in need of Supervision, as defined in subsection (a), to a designated school district facility. A minor transported to the school district facility will be released to the custody of the school officials or to the custody of the minor's parent or legal guardian.

(d)

It shall be unlawful for the parent, legal guardian or other person having custody or control of any minor, age six through 15 years old, to knowingly commit an act or knowingly fail to act when such an act or omission would cause the minor to be found to be a child in need of supervision as defined in subsection (a).

(1)

It shall be an affirmative defense to this section if the parent or legal guardian has invoked the jurisdiction of the juvenile court with regard to the minor prior to the time that the minor was charged with being a child in need of supervision.

(2)

It shall not be a defense to the offense provided for in subsection (b) that the minor has not been formally found to be a child in need of supervision.



(3)

Upon first conviction of a violation of subsection (b) in the City of Atlanta Municipal Court, a person shall not be fined; upon further convictions, a person shall be subject to a fine not to exceed \$1,000.00 and costs, or imprisonment in the city jail for not more than 60 days, or work on the public streets or work on the public right of way of the city for not more than 60 days, or be subject to any one or more of the punishments, subject to all limitations contained in section 1-8 of the code. Each violation of subsection (b) shall constitute a separate offense

**Is hereby amended by deleting subsection (d) (3) in its entirety and replacing said subsection with the following language: “Any person who violates this ordinance shall, upon conviction, be punished as provided in the general penalty provision currently designated as Section 1-8.”**

**So that when amended, Section 106-229 shall provide as follows:**

Sec. 106-229. - Child in need of supervision.

(a)

Any minor age six through 15 years old who loiters, wanders, strolls or plays in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places, public buildings, places of amusement, eating places, vacant lots, unsupervised by an adult having the lawful authority to be at such places, between the hours of 8:30 a.m. and 2:30 p.m. on any school day shall be considered a child in need of supervision.

(b)

A minor shall not be considered a child in need of supervision under the circumstances set forth in items (1) through (6) of section 106-227 of this chapter, or in the following instances:

(1)

When the minor is enrolled in a valid home study program as authorized by O.C.G.A. Section 20-2-690;



(2)

When the minor has completed all course study requirements for high school graduation;

(3) When the minor is married in accordance with applicable law;

(4)

When the minor has written proof from school authorities that he/she is excused from school attendance at that particular time; or

(5)

When the minor is participating in an approved school or study activity which requires the minor to be off school property.

(c)

A police officer shall transport any minor charged with being a child in need of Supervision, as defined in subsection (a), to a designated school district facility. A minor transported to the school district facility will be released to the custody of the school officials or to the custody of the minor's parent or legal guardian.

(d)

It shall be unlawful for the parent, legal guardian or other person having custody or control of any minor, age six through 15 years old, to knowingly commit an act or knowingly fail to act when such an act or omission would cause the minor to be found to be a child in need of supervision as defined in subsection (a).

(1)

It shall be an affirmative defense to this section if the parent or legal guardian has invoked the jurisdiction of the juvenile court with regard to the minor prior to the time that the minor was charged with being a child in need of supervision.

(2)

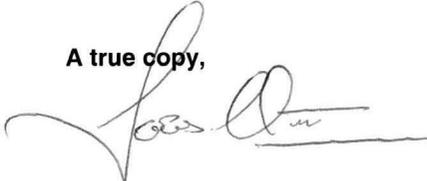
It shall not be a defense to the offense provided for in subsection (b) that the minor has not been formally found to be a child in need of supervision.

(3) **“Any person who violates this ordinance shall, upon conviction, be punished as provided in the general penalty provision currently designated as Section 1-8.”**



**Section 2:** All ordinances and code sections and parts of ordinances and code sections in conflict herewith are hereby waived to the extent of any such conflict.

A true copy,



Deputy Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

Feb. 06, 2012  
Feb. 15, 2012