



**CITY COUNCIL
ATLANTA, GEORGIA**

20-O-1653

AN ORDINANCE BY COUNCILMEMBERS MICHAEL JULIAN BOND, DUSTIN R. HILLIS, CARLA SMITH, ANDREA L. BOONE, AND J.P. MATZIGKEIT AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AMENDING THE CITY OF ATLANTA CODE OF ORDINANCES AT CHAPTER 62, ARTICLE I, SECTION 62-31, (ENTITLED “BAIL ESTABLISHED UNDER CERTAIN CIRCUMSTANCES”), IN ORDER TO REQUIRE THE DETENTION OF A DEFENDANT UNTIL THE INITIAL APPEARANCE HEARING FOR CERTAIN VEHICULAR OFFENSES RELATED TO STREET RACING AND CERTAIN OFFENSES RELATED TO THE UNLAWFUL OPERATION OF ALL-TERRAIN AND OFF ROAD VEHICLES, WHICH CREATE DANGERS TO PERSONS OR PROPERTY; AND FOR OTHER PURPOSES.

WHEREAS, the United States Supreme Court has recognized the fundamental right to pretrial liberty for defendants awaiting trial except in carefully limited exceptional circumstances (*United States v. Salerno*, 481 U.S. 739 (1987)); and

WHEREAS, by granting a right to bail in misdemeanor cases (O.C.G.A. §17-6-1(b)(1)), the General Assembly has recognized the high value that our society places on pre-trial liberty; and


WHEREAS, the Atlanta City Council adopted Ordinance 18-O-1045, on February 5, 2018 and it was signed into law by the Mayor on February 6, 2018, which provides that persons under the jurisdiction of the Municipal Court of Atlanta charged with non-violent offenses, requiring cash bond as a condition of pre-trial release not remain in jail simply because they are unable to pay cash bond collateral; and

WHEREAS, pursuant to 18-O-1405, the City of Atlanta Code of Ordinances was amended such that arrestees charged solely with non-violent offenses may be released from the Atlanta City Detention Center after booking, on a recognizance or signature bond; and

WHEREAS, in accordance with these amendments, the City of Atlanta retained the ability to permit the acceptance of a cash bond following a hearing before a judge of the municipal court in cases in which the defendant has been charged with an offense containing an element of violence or threatened violence against persons, and under other limited circumstances and with the procedural protections as set forth in this ordinance; and

WHEREAS, offenses for street racing and reckless driving exhibitions are imminently dangerous to the safety and wellbeing of the public and could be construed as “containing an element of violence or threatened violence”; and

WHEREAS, offenses related to the unlawful operation of all terrain and off-road vehicles in violation of Section 150-71 of the City of Atlanta Code of Ordinances are imminently dangerous to the safety and wellbeing of the public and could be construed as “containing an element of violence or threatened violence”; and



WHEREAS, in the interests of public safety and ensuring the well-being of motorists and pedestrians, defendants charged with offenses which include vehicle speed contest using public highways, streets or rights of way in violation of applicable motor vehicle and traffic laws, including without limitation, O.C.G.A. §§ 40-6-186, 40-6-251 and 40-6-390 should be required to be detained until the initial appearance hearing before a judge of the municipal court in accordance with Section 62-31(b) of the City of Atlanta Code of Ordinance; and

WHEREAS, in the interests of public safety and ensuring the well-being of motorists and pedestrians, defendants charged with offenses which relate to the unlawful operation of all terrain and off-road vehicles in violation of Section 150-71 of the City of Atlanta Code of Ordinances should be required to be detained until the initial appearance hearing before a judge of the municipal court in accordance with Section 62-31(b) of the City of Atlanta Code of Ordinance.


THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:

SECTION 1: That Chapter 62, Article I, Section 62-31, (entitled “ Bail established under certain circumstances.”), Subsection (b) be amended and appropriately renumbered as follows (with permanent additions in underline font):

Sec. 62-31. - Bail established under certain circumstances.

(b) For any offense containing an element of violence or threatened violence against a person, the defendant is to be detained until the initial appearance hearing, which shall be held as soon as practicable, but in no event later than 48 hours after the time of the arrest, or 72 hours after the time of arrest where the arrest occurs pursuant to a warrant. For purposes of this subsection 62-31(b), the following shall be deemed an "offense containing an element of violence or threatened violence:

- 1) City Ordinance 106-81.1: Disorderly Conduct- Act of violence toward another
- 2) City Ordinance 106-81.3: Disorderly Conduct - Fighting
- 3) City Ordinance 106-81.7: Disorderly Conduct- Physical obstruction of another
- 4) O.C.G.A. § 40-6-391: Driving Under the Influence
- 5) O.C.G.A. §40-6-186: Racing on highways and streets
- 6) O.C.G.A. § 40-6-251: Intentional operation of motor vehicles to create danger to persons or property; “laying drags”



7) O.C.G.A. § 40-6-390: Reckless driving

8) City Ordinance 150-71: Operation of all-terrain and off road vehicles

9) An offense which is bailable only before a judge of Georgia superior court

10) Other offenses which the Corrections Chief reasonably believes involve violence or the threat of violence to a person

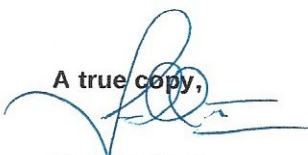
11) Any citation that includes “DV” (domestic violence) written by the arresting officer at any location on the ticket regardless of the offense charged

12) Idling and loitering for illicit sex

13) A defendant who is currently serving probation or parole, regardless of the current offense

SECTION 2: That this Ordinance shall take effect thirty days after its approval.

SECTION 3: That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

A true copy,

Foris Webb III
Municipal Clerk

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

**NOV 02, 2020
NOV 11, 2020**



CITY COUNCIL
ATLANTA, GEORGIA

20-O-1653

SPONSOR SIGNATURES

A handwritten signature in black ink, appearing to read "Michael Julian Bond".

Michael Julian Bond, Councilmember, Post 1 At Large

A handwritten signature in black ink, appearing to read "Andrea L. Boone".

Andrea L. Boone, Councilmember, District 10

A handwritten signature in black ink, appearing to read "Carla Smith".

Carla Smith, Councilmember, District 1

A handwritten signature in black ink, appearing to read "Duane Hays".

Duane Hays, Councilmember, District 9



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Workflow List:

Atlanta City Council	Completed	10/19/2020 1:00 PM
Public Safety & Legal Administration Committee	Completed	10/26/2020 2:00 PM
Atlanta City Council	Completed	11/02/2020 1:00 PM

HISTORY:

10/19/20 Atlanta City Council REFERRED WITHOUT OBJECTION

REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE WITHOUT OBJECTION

RESULT: REFERRED WITHOUT OBJECTION

10/26/20 Public Safety & Legal Administration Committee FAVORABLE ON SUBSTITUTE

RESULT: FAVORABLE ON SUBSTITUTE [6 TO 1]
MOVER: Michael Julian Bond, Post 1 At Large
SECONDER: Cleta Winslow, District 4
AYES: Sheperd, Bond, Farokhi, Winslow, Hillis, Boone
NAYS: Carla Smith

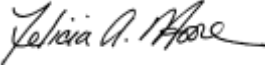

RESULT: ADOPTED ON SUBSTITUTE [10 TO 3]
MOVER: Joyce M Sheperd, Councilmember, District 12
SECONDER: Dustin Hillis, Councilmember, District 9
AYES: Bond, Westmoreland, Dickens, Farokhi, Winslow, Matzigkeit, Hillis, Boone, Overstreet, Sheperd
NAYS: Carla Smith, Antonio Brown, Natalyn Mosby Archibong
ABSENT: Jennifer N. Ide
AWAY: Howard Shook

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VOTE RECORD - ORDINANCE 20-O-1653						
<input type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input checked="" type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
	MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MATT WESTMORELAND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CARLA SMITH	VOTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	AMIR R FAROKHI	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANTONIO BROWN	VOTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	CLETA WINSLOW	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	NATALYN MOSBY ARCHIBONG	VOTER	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	JENNIFER N. IDE	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	HOWARD SHOOK	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AWAY
	J. P. MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L. BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOYCE M SHEPERD	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/COND <input type="checkbox"/> FAVORABLE/AMND/COND <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> RETURNED AS HELD <input type="checkbox"/> FAVORABLE ON CONDITION <input type="checkbox"/> FAVORABLE/SUB/CONDITION <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> ROUTED TO COW <input type="checkbox"/> SUSTAINED <input type="checkbox"/> OVERRIDEN <input type="checkbox"/> NOT ACCEPTED BY COMMITTEE <input type="checkbox"/> SUSTAINED W/O OBJECTION <input type="checkbox"/> TABLED W/O OBJECTION <input type="checkbox"/> HELD IN COW <input type="checkbox"/> POSTPONED <input type="checkbox"/> RETAINED AS HELD <input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION	
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[10 to 3]

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">11/2/2020</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> <p style="text-align: center;"></p>	<p style="text-align: center;">CERTIFIED</p> <p style="text-align: center;">11/2/2020</p> <p style="text-align: center;">MUNICIPAL CLERK</p> <p style="text-align: center;"></p>
<p>Mayor's Action</p> <p><i>See Authentication Page Attachment</i></p>	

ADOPTED BY COUNCIL

11/02/2020