



**CITY COUNCIL  
ATLANTA, GEORGIA**

**20-R-4370**

**\*\*\*\*A RESOLUTION BY COUNCILMEMBERS ANDREA L. BOONE, JOYCE M. SHEPERD, CLETA WINSLOW, DUSTIN R. HILLIS, MICHAEL JULIAN BOND, ANTONIO BROWN, CARLA SMITH, MARCI COLLIER OVERSTREET, ANDRE DICKENS, MATT WESTMORELAND, AMIR R. FAROKHI, JENNIFER IDE AND J.P. MATZIGKEIT URGING THE GEORGIA GENERAL ASSEMBLY TO ADOPT HOUSE BILL 1203 REPEALING ARTICLE 4, CHAPTER 4, TITLE 17 OF THE OFFICIAL GEORGIA CODE AND AMENDING TITLES 17, 35 AND 43 TO PROHIBIT ARRESTS BY PRIVATE PERSONS OR OTHER AUTHORITIES NOT IDENTIFIED AS A PEACE OFFICER; AND FOR OTHER PURPOSES.(FAVORABLE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE 9/28/20)**

WHEREAS, Since 1863, Georgia law has given citizens the authority to arrest one another if they witness or have immediate knowledge that a crime has been committed; and

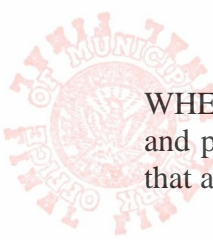
WHEREAS, Pursuant to § 17-4-60 of the Georgia Code, “a private person may arrest an offender if the offense is committed in his presence or within his immediate knowledge. If the offense is a felony and the offender is escaping or attempting to escape, a private person may arrest him upon reasonable and probable grounds of suspicion”. The statute also states that the private citizen may deliver the offender to the peace officer, who holds no liability for a false arrest; and

WHEREAS, the citizen’s arrest law has far outlived its necessity, when during colonial times, it could have taken days for law enforcement to arrive at a crime scene and private citizens helped to detain suspects while law enforcement had to travel long distances. Now, citizens can dial 911, and the police is dispatched within minutes; and

WHEREAS, history has proven all too many times that individuals with inherent racial and cultural biases have used this law to primarily detain and kill Black people, based solely on suspicions and/or circumstances; and

WHEREAS, undoubtedly, there are hundreds of incidents dating back to the Civil Rights era, where racial bias was the impetus for a citizen’s arrest, recent incidents bare truth to this, including the 2019 death of a 62 year-old Black man, Kenneth Herrin, who was killed after he was involved in a minor fender-bender and was pursued by a white motorist, who was not involved in the incident, but attempted to detain him. And, in February 2020, 25-year old Ahmaud Arbery, was pursued, shot, and killed while jogging through a predominantly white neighborhood because he was “suspected” of committing a crime; and

WHEREAS, while there is currently debate going on around the country regarding even the training of law enforcement officers and their perceived racial biases when performing arrests, and excessive use of force against Black individuals, prohibiting “untrained” citizens from attempting to make arrests will save lives; and




WHEREAS, it is incumbent on the Georgia General Assembly to support laws which serve to expand and protect all human and civil rights, it must move to purge its books of this and all antiquated laws that are reminiscent of a history that we must never repeat.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Georgia General Assembly adopt House Bill 1203 repealing Article 4, Chapter 4, Title 17 of the Official Georgia Code and amend Titles 17, 35 and 43 to prohibit arrests by private persons or other authorities not identified as a peace officer, a copy of which is attached to this Resolution.

BE IT FURTHER RESOLVED, that the Municipal Clerk is directed to forward a copy of this Resolution, upon adoption, to Governor Brian Kemp and all members of the Georgia General Assembly.

BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions 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

OCT 05, 2020  
OCT 14, 2020



CITY COUNCIL  
ATLANTA, GEORGIA

20-R-4370

SPONSOR SIGNATURES

  
Andrea L. Boone, Councilmember, District 10


  
Anil K. Fakhi, Councilmember, District 2

  
Andre Dickens, Councilmember, Post 3 At Large

  
Antonio Brown, Councilmember, District 3

  
Cleta Winslow, Councilmember, District 4

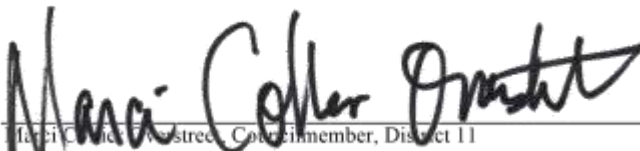
  
Carla Smith, Councilmember, District 1

  
Durren Hanks, Councilmember, District 9

  
J. F. Matzigkeit, Councilmember, District 8

  
Jennifer N. Ide, Councilmember, District 6

  
Joyce M. Sheperd, Councilmember, District 12

  
Nancy Collier Orsatt, Councilmember, District 11

  
Matt Westmoreland, Councilmember, Post 2 At Large

  
Michael Julian Bond, Councilmember, Post 1 At Large



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**Workflow List:**

Atlanta City Council	Completed	09/21/2020 1:00 PM
Public Safety & Legal Administration Committee	Completed	09/28/2020 2:00 PM
Atlanta City Council	Completed	10/05/2020 1:00 PM
Finance/Executive Committee	Completed	09/30/2020 1:30 PM
Atlanta City Council	Completed	10/05/2020 1:00 PM

**HISTORY:**

09/21/20 Atlanta City Council REFERRED WITHOUT OBJECTION

**REFERRED TO PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE AND FINANCE/EXECUTIVE COMMITTEE WITHOUT OBJECTION**

<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	
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09/28/20 Public Safety & Legal Administration Committee FAVORABLE

<b>RESULT:</b>	<b>FAVORABLE [UNANIMOUS]</b>	<b>Next: 10/5/2020 1:00 PM</b>
<b>MOVER:</b>	Cleta Winslow, District 4	
<b>SECONDER:</b>	Carla Smith, District 1	
<b>AYES:</b>	Sheperd, Bond, Smith, Farokhi, Winslow, Hillis, Boone	

09/30/20 Finance/Executive Committee FAVORABLE

<b>RESULT:</b>	<b>FAVORABLE [5 TO 0]</b>
<b>MOVER:</b>	Joyce M Sheperd, District 12
<b>SECONDER:</b>	Matt Westmoreland, Post 2 At-Large
<b>AYES:</b>	Westmoreland, Dickens, Archibong, Matzigkeit, Sheperd
<b>ABSTAIN:</b>	Howard Shook
<b>ABSENT:</b>	Jennifer N. Ide

10/05/2020 Atlanta City Council ADOPTED



**RESULT:** ADOPTED [13 TO 1]  
**MOVER:** Matt Westmoreland, Councilmember, Post 2 At Large  
**SECONDER:** Andrea L. Boone, Councilmember, District 10  
**AYES:** Bond, Westmoreland, Dickens, Smith, Farokhi, Brown, Winslow, Archibong,  
Matzigkeit, Hillis, Boone, Overstreet, Sheperd  
**NAYS:** Howard Shook  
**ABSENT:** Jennifer N. Ide

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VOTE RECORD - RESOLUTION 20-R-4370						
<input checked="" type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <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"/> FILED BY COMMITTEE <input type="checkbox"/> FAVORABLE ON SUBSTITUTE <input type="checkbox"/> FAVORABLE AS AMENDED <input type="checkbox"/> QUESTION CALLED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> ADOPTED SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> ADVERSED IN COMMITTEE <input type="checkbox"/> QUADRENNIALY TERMINATED <input type="checkbox"/> FORWARDED W/NO RECOMMENDATION <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE/SUB/AMENDED <input type="checkbox"/> FAVORABLE/SUB/AMND/CONDITION <input type="checkbox"/> FAVORABLE/AMND/CONDITION						
			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	MOVER	<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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	J. P. MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DUSTIN HILLIS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ANDREA L. BOONE	SECONDER	<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	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<ul style="list-style-type: none"><li><input type="checkbox"/> RETURNED AS HELD</li><li><input type="checkbox"/> FAVORABLE/SUB/CONDITION</li><li><input type="checkbox"/> FAVORABLE ON CONDITION</li><li><input type="checkbox"/> ACCEPTED</li><li><input type="checkbox"/> AMENDED SUBSTITUTE</li><li><input type="checkbox"/> ROUTED TO COW</li><li><input type="checkbox"/> SUSTAINED</li><li><input type="checkbox"/> OVERRIDEN</li><li><input type="checkbox"/> NOT ACCEPTED BY COMMITTEE</li><li><input type="checkbox"/> SUSTAINED WITHOUT OBJECTION</li><li><input type="checkbox"/> TABLED W/O OBJECTION</li><li><input type="checkbox"/> HELD IN COW</li><li><input type="checkbox"/> POSTPONED</li><li><input type="checkbox"/> RETAINED AS HELD</li><li><input type="checkbox"/> REFER TO ZRB AND ZC W/O OBJECTION</li></ul>	
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[13 to 1]

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;"><b>CERTIFIED</b></p> <p style="text-align: center;">10/5/2020</p> <p style="text-align: center;">ATLANTA CITY COUNCIL PRESIDENT</p> <p style="text-align: center;"></p>	<p style="text-align: center;"><b>CERTIFIED</b></p> <p style="text-align: center;">10/5/2020</p> <p style="text-align: center;">MUNICIPAL CLERK</p> <p style="text-align: center;"></p>
<p style="text-align: center;">Mayor's Action</p> <p style="text-align: center;"><i>See Authentication Page Attachment</i></p>	

**ADOPTED BY COUNCIL**

**10/05/020**