

**AN ORDINANCE
BY COUNCILMEMBER KWANZA HALL
(Introduced at the 3/20/2017 Full Council Meeting)**

AN ORDINANCE AMENDING CHAPTER 106 SECTION 182, (POSSESSION OF MARIJUANA) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO SO AS TO RECLASSIFY THE PENALTY FROM THE GENERAL PENALTY (SECTION 1-8); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in maintaining the public safety and general welfare of citizens of the City of Atlanta and its visitors; and

WHEREAS, enforcement of Chapter 106 Section 182 Marijuana has fallen disproportionately on certain subsets of the population;

WHEREAS, O.C.G.A. § 36-32-6 grants municipal courts concurrent jurisdiction to try and dispose of cases wherein a person is charged with possession of one ounce or less of marijuana when such conduct occurs inside a municipality.

WHEREAS, it is the desire of the Atlanta City Council to reclassify the penalty from the general penalty to a non-jailable, citation only offense.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, AS FOLLOWS:

SECTION 1: That Chapter 106, Article IV, Section 182 of the City of Atlanta Code of Ordinances shall be amended such that it shall read as follows (with permanent additions underlined in bold font and permanent deletions in strikeout font):

Sec. 106-182. – Marijuana.

It shall be unlawful for any person to possess one ounce or less of marijuana within the corporate limits of the city. Any person found guilty of violating this section shall be subject to a maximum fine of \$75 and not subject to confinement for any period of time ~~the penalty provided in section 1-8~~; provided that any defendant charged with possession of one ounce or less of marijuana shall be entitled on request to have the case against such defendant transferred to the court having general misdemeanor jurisdiction in the county wherein the alleged offense occurred.

SECTION 2: This ordinance shall become effective immediately upon approval.

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