



## ATLANTA BAIL ORDINANCE NO. 18-O-1045

On February 6, 2018, Mayor Keisha Lance Bottoms signed Ordinance No. 18-O-1045, a new policy that eliminates cash bail for most people in the Atlanta Municipal Court and creates new rules for the limited number of cases in which cash bail is still permitted. The ordinance applies only to people whose cases are in the Atlanta Municipal Court. It doesn't apply to people who have cases in the Fulton County State Court or the Fulton County Superior Court.

Here are some of the key provisions:

**A. Most people who get arrested will be released immediately after booking on their own recognizance.**

There will be no more money bail for most people charged with offenses that come before the Atlanta Municipal Court. Under the new ordinance, most people who get arrested and brought to the Atlanta Detention Center will be released without having to pay money to get out of jail. (Section 62-31(a)). The jail will release people on their own recognizance "immediately after booking." The officers at the jail will give the person who was arrested a written notice of the person's court date. Except for in the cases listed in Section B (below), the chief of corrections at the jail "shall not accept cash bonds."

**B. Some people who get arrested will be held in jail until they see a judge.**

Under the new ordinance, the following people will have to remain in custody until they see a judge:

- a. People accused of the following offenses:
  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. An offense which is bailable only before a judge of the Georgia superior court (these are mostly serious felonies that don't come before the Municipal Court anyway);
  6. Other offenses which the Corrections Chief reasonably believes involve violence or the threat of violence to a person;

7. Any citation that includes "DV" (domestic violence) written by the arresting officer at any location on the ticket regardless of the offense charged;
  8. Idling and loitering for illicit sex.
- b. People who were released on a recognizance or signature bond and were subsequently arrested and jailed again, prior to the disposition of the earlier case.
  - c. People who were released on a recognizance or signature bond and were subsequently arrested on a warrant for failing to appear in the pending case.
  - d. People who are currently on probation or parole.

The people listed above must be brought to court “as soon as practicable,” but not later than 48 hours after arrest (or 72 hours after arrest if the arrest was made pursuant to a warrant).

**C. Judges can still set cash bail, but only in the cases listed above, and only if the person can afford to pay the bail amount set.**

The new ordinance permits a judge to set a cash bail in the cases listed in Section B. But if the judge decides to require cash bail, the judge must make a written determination that “shall include a finding regarding the defendant’s present ability to pay” the bail amount. Section 62-31(e). The ordinance further states: “The Municipal Court shall not establish a financial condition for pre-trial release that results in a defendant being detained solely because he or she does not have enough money to meet the financial requirement.” Section 62-31(e).