

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF JONESBORO, GEORGIA AMENDING SECTION 46-8 OF THE CODE OF ORDINANCES TO PROVIDE A CIVIL PENALTY FOR POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA; TO ESTABLISH A MAXIMUM CIVIL FINE OF \$100.00 OR COMMUNITY SERVICE IN LIEU THEREOF; TO PRESERVE A DEFENDANT'S RIGHT TO REQUEST TRANSFER TO STATE COURT; TO CLARIFY THAT SUCH VIOLATION IS NON-CRIMINAL; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE SEVERABILITY; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Jonesboro are charged with protecting public safety and exercising the City's police powers in a manner that is reasonable, proportionate, and effective; and

WHEREAS, the Mayor and Council recognize that arrest, detention, and incarceration for low-level marijuana possession consume limited law enforcement, court, and detention resources that may be more effectively directed toward violent crime, property crime, and other higher-priority public safety matters; and

WHEREAS, the Mayor and Council further recognize that neighboring metropolitan Atlanta jurisdictions, as well as Georgia cities of comparable size, have revised their local ordinances to eliminate incarceration and reduce penalties for simple possession of less than one ounce of marijuana while recognizing the illegality of such conduct under state law; and

WHEREAS, the Mayor and Council find that establishing a clear and limited civil penalty for possession of less than one ounce of marijuana promotes fairness, consistency, and clarity in enforcement and sentencing; and

WHEREAS, the Mayor and Council intend by this Ordinance to maintain compliance with Georgia law; and

WHEREAS, the Mayor and Council further intend to preserve a defendant's statutory right to request transfer of such cases to the court having general misdemeanor jurisdiction; and

WHEREAS, the Mayor and Council intend that violations of this section be treated as civil and non-criminal under City ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Jonesboro, Georgia:

Section 1. Amendment

The Code of the City of Jonesboro is hereby amended by repealing and striking the current Sec.46-8 in its entirety as follows:

~~Sec. 46-8. Possession of marijuana.~~

(a) Pursuant to the provisions of O.C.G.A. § 36-32-6, the municipal court is hereby clothed with jurisdiction to try cases involving the violation of state law in the possession of one ounce or less of marijuana as the same now exist or may hereafter be amended.

(b) Upon the request of the defendant or upon motion of the court, such charges shall be transferred to the court having general misdemeanor jurisdiction in the county.

(c) Upon conviction of such charges the defendant shall be punished as provided in section 1-12, or otherwise as may be provided by law.

Sec. 46-8 shall be amended to read as follows:

Sec. 46-8. Possession of marijuana (less than one ounce).

(a) Offense; civil violation.

It shall be unlawful for any person to possess less than one ounce (28 grams) of marijuana within the corporate limits of the City of Jonesboro. A violation of this section is a civil, non-criminal violation of the City ordinance.

(b) Penalty; no imprisonment; community service.

A person found to be in violation of this section shall be subject to a civil fine not exceeding One Hundred Dollars (\$100.00). No term of imprisonment shall be imposed for a violation of this section. The Municipal Court may allow community service in lieu of payment of the civil fine, on terms set by the Court.

(c) Non-criminal disposition.

A violation of this section is civil and non-criminal, and any disposition under this section shall not be deemed a criminal conviction under City ordinance.

(d) Defendant's request for transfer.

A defendant charged under this section may, upon request, have the case transferred to the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred.

(e) Exclusive penalty; general penalty inapplicable.

The penalties provided in this section are exclusive. Section 1-12 (General penalty) of this Code shall not apply to violations of this section.

(f) State law.

This ordinance applies exclusively to violations prosecuted under the City ordinance. Marijuana possession remains illegal under Georgia state law. Cases referred to State

court may result in criminal penalties under O. C. G.A. §16- 13-2, including imprisonment of up to 12 months and/or fines of up to \$1,000.

(g) Training and Oversight.

The Jonesboro Police Department may implement a mandatory training curriculum that will address the differences between the City of Atlanta ordinance and State law with respect to marijuana possession, arrest, detention and prosecution. The Jonesboro Police Chief is authorized to monitor enforcement to ensure compliance with the ordinance and to address any emerging issues.

Section 2. Repealer.

All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

Section 3. Severability.

If any provision of this Ordinance is held invalid, the remaining provisions shall remain in effect.

Section 4. Effective date.

This Ordinance shall become effective upon adoption. The provisions of this Ordinance shall not be retroactive.

SO ORDAINED, this _____ day of _____, 2026.

Donya Sartor, Mayor

ATTEST: _____

Shandrella Jewett, City Clerk