

1 **A RESOLUTION BY THE FULTON COUNTY BOARD OF COMMISSIONERS TO**  
2 **REQUEST THE FULTON COUNTY SHERIFF TO UTILIZE EXISTING AUTHORITY**  
3 **TO DECLINE CERTAIN MISDEMEANOR BOOKINGS IN ORDER TO ADDRESS JAIL**  
4 **OVERCROWDING, IMPROVE SAFETY, AND PRIORITIZE DETENTION SPACE FOR**  
5 **SERIOUS OFFENSES; AND FOR OTHER PURPOSES.**

6 WHEREAS, the Fulton County Jail continues to experience significant overcrowding that impacts  
7 the safety of individuals detained, staff, and the public; and

8 WHEREAS, reducing unnecessary jail admissions is one of the most immediate and effective ways  
9 to address overcrowding while maintaining public safety; and

10 WHEREAS, individuals arrested for low-level, non-violent misdemeanor offenses often do not  
11 pose a significant risk to public safety and may be more appropriately handled through citation,  
12 summons, diversion, or release; and

13 WHEREAS, Fulton County and the City of Atlanta are preparing to host matches and related  
14 events for the 2026 FIFA World Cup, which is expected to significantly increase visitor volume  
15 and enforcement activity, and without proactive measures, increased arrests for low-level offenses  
16 could exacerbate jail overcrowding, heighten safety risks for detained individuals and staff,  
17 increase County liability, and divert limited resources away from serious public safety priorities;

18 WHEREAS, the Fulton County Sheriff has operational authority over jail intake and booking  
19 procedures and may exercise discretion consistent with state law and public safety considerations;  
20 and

21 WHEREAS, jurisdictions across the country have successfully implemented policies to decline  
22 certain low-level misdemeanor bookings in order to reduce jail overcrowding and prioritize  
23 detention space for serious offenses; and

24 WHEREAS, the Fulton County Board of Commissioners finds that encouraging the use of such  
25 discretion may help improve jail conditions, enhance safety, and ensure more effective use of  
26 County resources;

27 NOW, THEREFORE, BE IT RESOLVED, that the Fulton County Board of Commissioners  
28 encourages the Fulton County Sheriff to utilize existing authority under Georgia law, including  
29 the discretion reflected in O.C.G.A. § 42-4-12, which establishes a duty to receive persons charged  
30 with indictable offenses but does not impose the same duty for non-indictable offenses, to decline  
31 bookings for certain non-violent misdemeanor offenses such as criminal trespass, marijuana  
32 possession, urban camping, and public drunkenness where appropriate and consistent with public  
33 safety; and

1 BE IT FURTHER RESOLVED, that such discretion is further supported by O.C.G.A. § 17-6-2,  
2 which provides for bond eligibility for misdemeanor offenses, and the broader distinction in  
3 Georgia law between felony and misdemeanor offenses, including sentencing limitations under  
4 O.C.G.A. § 17-10-3 and bond limitations for certain felony offenses under O.C.G.A. §§ 17-6-1  
5 and 17-6-1.1, reflecting legislative intent that misdemeanor offenses may be handled through  
6 alternatives to custodial detention where appropriate.

7 BE IT FINALLY RESOLVED, that this Resolution shall take effect upon adoption and that all  
8 resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent  
9 of such conflict.

10 **SO PASSED AND ADOPTED** by the Board of Commissioners of Fulton County, this  
11 20th day of May 2026.

12

13

**FULTON COUNTY BOARD OF  
COMMISSIONERS**

14

Sponsored by:

15

16

17

18

\_\_\_\_\_  
Robert L. Pitts, Chairman

19

20

21 **ATTEST:**

22

23

\_\_\_\_\_  
Tonya R. Grier, Clerk to the Commission

24

25

26

27

28

29 **APPROVED AS TO FORM:**

30

31

32

33

\_\_\_\_\_  
Y. Soo Jo, County Attorney