

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

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

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

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

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

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

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

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

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

15 Sponsored by:

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18 Robert L. Pitts, Chairman

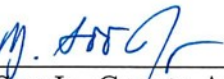
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21 **ATTEST:**

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24 Tonya R. Grier, Clerk to the Commission
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29 **APPROVED AS TO FORM:**

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32 Y. Soo Jo, County Attorney
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