

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2025-187

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED, SPECIFICALLY TO ADD, PART I, CHAPTER 62 “OFFENSES AND MISCELLANEOUS PROVISIONS,” ARTICLE I “GENERAL,” SECTION 62-48 “POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA,” TO MAKE POSSESSION OF LESS THAN ONE OUNCE OF MARIJUANA A CIVIL VIOLATION WITH A FINE AND NO JAIL TIME; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA, AND IT IS HEREBY ORDAINED

PART I.

The Code of Clayton County, Georgia, as amended, is hereby further amended as Part I, Chapter 62 “Offenses and Miscellaneous Provisions,” Article I “General,” Section 62-48 “Possession of less than one ounce of marijuana,” not previously existing, is hereby added to read as follows:

Sec. 62-48. Possession of less than one ounce of marijuana.

(a) Finding of fact

The board of commissioners reaffirms its stance that the use of marijuana or any other illegal drug is not tolerated within the County. However, recognizing the limitations and societal impacts of punitive enforcement, the County adopts a holistic approach focused on reducing physical arrests, addressing systemic disparities, and supporting recovery programs to foster community safety and well-being.

(b) Purpose of this ordinance

- 1. Resource Allocation: Decriminalizing possession of small amounts of marijuana allows law enforcement and judicial systems to focus on violent crimes and other serious offenses.*
- 2. Equity and Fairness: This ordinance addresses disparities in the enforcement of drug-related laws, which have historically impacted marginalized communities disproportionately.*
- 3. Public Health Focus: Redirecting offenders to educational and recovery programs encourages rehabilitation and reduces the risk of substance misuse, benefiting both individuals and the community.*
- 4. Streamlined Law Enforcement: Allowing officers to dispose of small quantities of marijuana in the field reduces administrative burdens, freeing resources for higher-priority cases.*

(c) Definitions

- 1. "Marijuana": All parts of the cannabis sativa l. plant, whether growing or not, as defined by Georgia law.*
- 2. "Less than one ounce": A quantity weighing less than 28 grams.*

(d) Possession of marijuana less than one ounce

- 1. It shall be unlawful and a violation of this ordinance for any person in unincorporated Clayton County to be found in possession of marijuana with a weight of less than one ounce.*
- 2. A civil fine of up to \$150.00 may be assessed by the court for any person found to be in violation of this ordinance.*
- 3. The Chief Magistrate Court Judge is authorized pursuant to O.C.G.A. 15-10-63.1 to set a cash bond amount not to exceed \$150.00 for a violation of this ordinance.*
- 4. As the punishment for violation of this ordinance is a civil fine, no add-on fees are to be imposed.*
- 5. First-time offenders or individuals under 21 years of age may be required to complete a substance abuse education or recovery program in lieu of paying the fine.*
- 6. Law enforcement officers are encouraged to provide information about local resources for recovery and education to individuals cited under this ordinance.*
- 7. Violations of this ordinance are civil and non-criminal, and a finding or plea of guilt or plea of no contest is not a conviction of a drug crime.*

(e) Disposal of suspected marijuana:

- 1. Law enforcement officers are authorized to destroy small amounts of suspected marijuana, weighing less than one ounce, in the presence of the individual in possession.*
- 2. Officers are not required to take the suspected marijuana or green leafy material into agency custody or submit it as evidence, provided there is no indication of associated criminal activity beyond simple possession.*
- 3. The destruction shall be documented in the officer's report, and recorded on the body worn camera video. The report will include the estimated quantity of*

unlawful substance and circumstances of disposal, to include how the material was destroyed.

(f) State Law Implications

This ordinance applies exclusively to violations prosecuted under Clayton County ordinance. Marijuana possession remains illegal under Georgia state law, and 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:

- 1. Law enforcement officers are to receive training on proper implementation of this ordinance, including disposal protocols and community-based referrals.*
- 2. The police chief will monitor enforcement to ensure compliance with the ordinance and to address any emerging issues.*

PART II.

All Ordinances or parts of Ordinances in conflict with these Ordinances are, to the extent of such conflict, hereby repealed.

PART III.

The preamble of these Ordinances shall be considered to be and is hereby incorporated by reference as if fully set out herein. This Ordinance shall be effective on the date of its approval by the Board of Commissioners.

[signatures on the following page]

SO RESOLVED, this the 2nd day of September 2025.

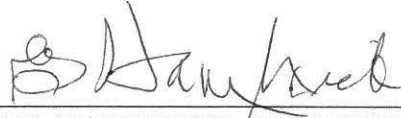
CLAYTON COUNTY BOARD OF COMMISSIONERS



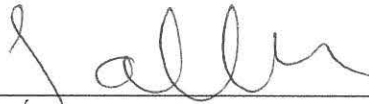
DR. ALIEKA ANDERSON-HENRY, CHAIRWOMAN



ALAINA REAVES, VICE-CHAIR



GAIL HAMBRICK, COMMISSIONER



TASHÉ ALLEN, COMMISSIONER



DEMONT DAVIS, COMMISSIONER

ATTEST:



COURTNEY RUSHIN, CLERK