

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2569: Morgan (Fred)

AS INTRODUCED

An Act relating to the Uniform Controlled Dangerous Substances Act; amending 63 O.S. 2001, Section 2-412, which relates to offenses and penalties; expanding scope of second or subsequent offenses; requiring certain dismissed cases to constitute a prior conviction; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-412, is amended to read as follows:

Section 2-412. A. An offense shall be considered a second or subsequent offense under this act, if, prior to ~~his~~ a conviction of the offense, the offender has at any time been convicted of an offense or offenses under this act, under any statute of the United States, or of any state relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs, as defined by this act.

B. An offense shall be considered a second or subsequent offense under this act, if, prior to the conviction for the instant offense, the offender has at any time had a charge or case dismissed pursuant to successful completion of a Drug Court program. Each individual case that was dismissed pursuant to the successful completion of a Drug Court program shall constitute a prior conviction for the purposes of violations of the Uniform Controlled Dangerous Substances Act or the Oklahoma Firearms Act of 1971.

SECTION 2. This act shall become effective November 1, 2004.

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