

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1440

By: Corn and Sweeden of the
Senate

3
4 and

5 Derby of the House
6
7

8 (controlled substances - conditional discharge -
9 deferred proceedings -

10 emergency)
11
12

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
14 entire bill and insert

15 "(controlled substances - conditional discharge -
16 deferred proceedings -

17 emergency)
18
19

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

21 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-410, is
22 amended to read as follows:

23 Section 2-410. A. Whenever any person who has not previously
24 been convicted of any offense under this act or under any statute of

1 the United States or of any state relating to narcotic drugs,
2 marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads
3 guilty or nolo contendere to or is found guilty of ~~possession of a~~
4 ~~controlled dangerous substance under Section 2-402~~ a violation of
5 the Uniform Controlled Dangerous Substances Act, the court may,
6 unless otherwise prohibited by law, without entering a judgment of
7 guilt and with the consent of such person, defer further proceedings
8 and place ~~him~~ the person on probation upon such reasonable terms and
9 conditions as it may require including the requirement that such
10 person cooperate in a treatment and rehabilitation program of a
11 state-supported or state-approved facility, if available. Upon
12 violation of a term or condition, the court may enter an
13 adjudication of guilt and proceed as otherwise provided. Upon
14 fulfillment of the terms and conditions, the court shall discharge
15 such person and dismiss the proceedings against ~~him~~ the person.
16 Discharge and dismissal under this section shall be without court
17 adjudication of guilt and shall not be deemed a conviction for
18 purposes of this section or for purposes of disqualifications or
19 disabilities imposed by law upon conviction of a crime. Discharge
20 and dismissal under this section may occur only once with respect to
21 any person.

22 B. Any expunged arrest or conviction shall not thereafter be
23 regarded as an arrest or conviction for purposes of employment,
24 civil rights, or any statute, regulation, license, questionnaire or

1 any other public or private purpose; provided, that, any ~~such~~ plea
2 of guilty or nolo contendere or finding of guilt to a violation of
3 the Uniform Controlled Dangerous Substances Act shall constitute a
4 conviction of the offense for the purpose of ~~this act~~ the Uniform
5 Controlled Dangerous Substances Act or any other criminal statute
6 under which the existence of a prior conviction is relevant.

7 C. The provisions of this section shall not apply to any person
8 who pleads guilty or nolo contendere to or is found guilty of a
9 violation of the Trafficking in Illegal Drugs Act.

10 SECTION 2. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval."

14 Passed the House of Representatives the 16th day of April, 2008.

15
16

17 _____
18 Presiding Officer of the House of
Representatives

19 Passed the Senate the ____ day of _____, 2008.

20
21

22 _____
23 Presiding Officer of the Senate

23
24