

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1440

By: Corn and Sweeden of the
Senate

6 and

7 Derby of the House

8
9 COMMITTEE SUBSTITUTE

10 (Controlled substances - conditional discharge -

11 deferred proceedings -

12 emergency)

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

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

18 Section 2-410. A. Whenever any person who has not previously
19 been convicted of any offense under this act or under any statute of
20 the United States or of any state relating to narcotic drugs,
21 marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads
22 guilty or nolo contendere to or is found guilty of ~~possession of a~~
23 ~~controlled dangerous substance under Section 2-402~~ a violation of
24 the Uniform Controlled Dangerous Substances Act, the court may,

1 unless otherwise prohibited by law, without entering a judgment of
2 guilt and with the consent of such person, defer further proceedings
3 and place ~~him~~ the person on probation upon such reasonable terms and
4 conditions as it may require including the requirement that such
5 person cooperate in a treatment and rehabilitation program of a
6 state-supported or state-approved facility, if available. Upon
7 violation of a term or condition, the court may enter an
8 adjudication of guilt and proceed as otherwise provided. Upon
9 fulfillment of the terms and conditions, the court shall discharge
10 such person and dismiss the proceedings against ~~him~~ the person.
11 Discharge and dismissal under this section shall be without court
12 adjudication of guilt and shall not be deemed a conviction for
13 purposes of this section or for purposes of disqualifications or
14 disabilities imposed by law upon conviction of a crime. Discharge
15 and dismissal under this section may occur only once with respect to
16 any person.

17 B. Any expunged arrest or conviction shall not thereafter be
18 regarded as an arrest or conviction for purposes of employment,
19 civil rights, or any statute, regulation, license, questionnaire or
20 any other public or private purpose; provided, that, any ~~such~~ plea
21 of guilty or nolo contendere or finding of guilt to a violation of
22 the Uniform Controlled Dangerous Substances Act shall constitute a
23 conviction of the offense for the purpose of ~~this act~~ the Uniform
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1 Controlled Dangerous Substances Act or any other criminal statute
2 under which the existence of a prior conviction is relevant.

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

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

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11 51-2-11055 GRS 04/10/08

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