

1 ENGROSSED SENATE  
2 BILL NO. 1440

By: Corn and Sweeden of the  
Senate

3 and

4 Derby of the House

5  
6  
7 [ controlled substances - conditional discharge -

8 deferred proceedings -

9 emergency ]

10

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

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

14 Section 2-410. ~~Whenever any person who has not previously been~~  
15 ~~convicted of any offense under this act or under any statute of the~~  
16 ~~United States or of any state relating to narcotic drugs, marihuana,~~  
17 ~~or stimulant, depressant, or hallucinogenic drugs, pleads guilty to~~  
18 ~~or is found guilty of possession of a controlled dangerous substance~~  
19 ~~under Section 2-402, the court may, without entering a judgment of~~  
20 ~~guilt and with the consent of such person, defer further proceedings~~  
21 ~~and place him on probation upon such reasonable terms and conditions~~  
22 ~~as it may require including the requirement that such person~~  
23 ~~cooperate in a treatment and rehabilitation program of a~~  
24 ~~state supported or state approved facility, if available. Upon~~

1 ~~violation of a term or condition, the court may enter an~~  
2 ~~adjudication of guilt and proceed as otherwise provided. Upon~~  
3 ~~fulfillment of the terms and conditions, the court shall discharge~~  
4 ~~such person and dismiss the proceedings against him. Discharge and~~  
5 ~~dismissal under this section shall be without court adjudication of~~  
6 ~~guilt and shall not be deemed a conviction for purposes of this~~  
7 ~~section or for purposes of disqualifications or disabilities imposed~~  
8 ~~by law upon conviction of a crime. Discharge and dismissal under~~  
9 ~~this section may occur only once with respect to any person.~~

10 Any expunged arrest or conviction shall not thereafter be  
11 regarded as an arrest or conviction for purposes of employment,  
12 civil rights, or any statute, regulation, license, questionnaire or  
13 any other public or private purpose; provided, that, any such plea  
14 of guilty or finding of guilt shall constitute a conviction of the  
15 offense for the purpose of ~~this act~~ the Uniform Controlled Dangerous  
16 Substances Act or any other criminal statute under which the  
17 existence of a prior conviction is relevant.

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

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