

THE HOUSE OF REPRESENTATIVES
Monday, April 14, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1440

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1440 - By: CORN AND SWEEDEN of the Senate and DERBY of the House.

(Controlled substances - conditional discharge - deferred proceedings – emergency)

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

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

3 Section 2-410. A. Whenever any person who has not previously been convicted of
4 any offense under this act or under any statute of the United States or of any state
5 relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs,
6 pleads guilty or nolo contendere to or is found guilty of ~~possession of a controlled~~
7 ~~dangerous substance under Section 2-402~~ a violation of the Uniform Controlled
8 Dangerous Substances Act, the court may, unless otherwise prohibited by law, without
9 entering a judgment of guilt and with the consent of such person, defer further
10 proceedings and place ~~him~~ the person on probation upon such reasonable terms and
11 conditions as it may require including the requirement that such person cooperate in a

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
22 dated 04-10-28 - DO PASS, As Amended.

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.