

SB 1440

THE STATE SENATE  
Thursday, February 14, 2008

Senate Bill No. 1440  
As Amended

SENATE BILL NO. 1440 - By: CORN 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:

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-12-08 - DO  
24 PASS, As Amended and Coauthored.