

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1440

By: Corn

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6 AS INTRODUCED

7 An Act relating to controlled substances; amending 63
8 O.S. 2001, Section 2-410, which relates to
9 conditional discharge for certain drug violations;
10 modifying reference; authorizing plea of nolo
11 contendere for certain deferred proceedings; applying
12 certain deferred proceedings to other drug offenses;
13 making gender neutral; and declaring an emergency.

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

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

17 Section 2-410. Whenever any person who has not previously been
18 convicted of any offense under ~~this act~~ the Uniform Controlled
19 Dangerous Substances Act or under any statute of the United States
20 or of any state relating to narcotic drugs, marihuana, or stimulant,
21 depressant, or hallucinogenic drugs, pleads guilty or nolo
22 contendere to or is found guilty of ~~possession of a controlled~~
23 ~~dangerous substance under Section 2-402~~ a violation pursuant to any
24 provision of this title, the court may, unless otherwise prohibited
by law, without entering a judgment of guilt and with the consent of

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

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

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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