

House Bill 1183

By: Representatives Hill of the 147<sup>th</sup>, Boggs of the 145<sup>th</sup>, DeLoach of the 127<sup>th</sup>, Thompson of the 69<sup>th</sup>, Post 1, Mangham of the 62<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to  
2 conditional discharge for possession of controlled substances as first offense, so as to include  
3 persons who are addicted to a controlled substance or alcohol and persons who commit  
4 nonviolent property crimes related to their addiction to a controlled substance or alcohol; to  
5 provide that a discharge and dismissal under this provision shall be without a court  
6 adjudication of guilt; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 16-13-2 of the Official Code of Georgia Annotated, relating to conditional  
10 discharge for possession of controlled substances as first offense, is amended by adding a  
11 new subsection (c) to read as follows:

12 "(c) Persons charged with an offense enumerated in subsection (a) of this Code section and  
13 persons charged for the first time with nonviolent property crimes which, in the judgment  
14 of the court exercising jurisdiction over such offenses, were related to the accused's  
15 addiction to a controlled substance or alcohol who are found eligible for a drug court, if  
16 available, or any court approved drug treatment program may, in the discretion of the court  
17 and with the consent of the accused, be sentenced in accordance with subsection (a) of this  
18 Code section. The probated sentence imposed may be for a period of up to five years. No  
19 discharge and dismissal without court adjudication of guilt shall be entered under this  
20 subsection until the accused has made full restitution to all victims of the charged offenses.  
21 Discharge and dismissal under this Code section shall be without court adjudication of guilt  
22 and shall not be deemed a conviction for purposes of this Code section or for purposes of  
23 disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and  
24 dismissal under this Code section may not be used to disqualify a person in any application  
25 for employment or appointment to office in either the public or private sector."

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**SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.