

The House Committee on Special Judiciary offers the following substitute to HB 1183:

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 eligible for any court approved drug
16 treatment program may, in the discretion of the court and with the consent of the accused,
17 be sentenced in accordance with subsection (a) of this Code section. The probated sentence
18 imposed may be for a period of up to five years. No discharge and dismissal without court
19 adjudication of guilt shall be entered under this subsection until the accused has made full
20 restitution to all victims of the charged offenses. Discharge and dismissal under this Code
21 section shall be without court adjudication of guilt and shall not be deemed a conviction
22 for purposes of this Code section or for purposes of disqualifications or disabilities imposed
23 by law upon conviction of a crime. Discharge and dismissal under this Code section may
24 not be used to disqualify a person in any application for employment or appointment to
25 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2 All laws and parts of laws in conflict with this Act are repealed.