



1 judgment of guilt and with the consent of the accused, may defer  
2 further proceedings and place him or her on probation upon terms  
3 and conditions it considers appropriate, if the person has not  
4 previously been convicted of:

5 (1) Either of those offenses; or

6 (2) Any statute of the United States or of any state relating  
7 to underage purchase, consumption, sale, service or possession of  
8 alcoholic liquor.

9 (b) If the person violates a term or condition of the  
10 probation, the court may enter an adjudication of guilt and proceed  
11 as otherwise provided by law. Upon fulfillment of the terms and  
12 conditions of the probation, the court shall discharge the person  
13 and dismiss the proceedings against him or her. Discharge and  
14 dismissal under this section is without adjudication of guilt and  
15 is not a conviction for purposes of this section or for purposes of  
16 disqualifications or disabilities imposed by law upon conviction of  
17 a crime. The effect of the dismissal and discharge is to restore  
18 the person in contemplation of law to the status he or she occupied  
19 prior to arrest and trial. A person to whom a dismissal and  
20 discharge have been effected under this section may not be found  
21 guilty of perjury, false swearing or otherwise giving a false  
22 statement by reason of his or her failure to disclose or  
23 acknowledge his or her arrest or trial in response to any inquiry  
24 made of him or her for any purpose.

1 (c) There may be only one discharge and dismissal under this  
2 section with respect to any person.

3 (d) After a period of not less than six months after the  
4 expiration of a term of probation imposed upon a person under  
5 subdivision (1), subsection (a), section twenty-four, article  
6 three-a of this chapter or subsection (a), section twelve-a,  
7 article seven of this chapter, the person may apply to the court  
8 for an order to expunge from all official records all records of  
9 his or her arrest, trial and conviction, pursuant to this section.  
10 If the court determines after a hearing that the person during the  
11 period of his or her probation and during the period prior to his  
12 or her application to the court under this section has not been  
13 guilty of any serious or repeated violation of the conditions of  
14 his or her probation, it shall order the expungement.

15 (e) Notwithstanding any provision of this code to the  
16 contrary, any person prosecuted pursuant to the provisions of  
17 subdivision (1), subsection (a), section twenty-four, article  
18 three-a of this chapter or subsection (a), section twelve-a,  
19 article seven of this chapter, whose case is disposed of pursuant  
20 to the provisions of this section, is liable for all court costs  
21 assessable against a person convicted of a violation of those  
22 sections. Payment of the costs may be made a condition of  
23 probation.

24 (f) The costs assessed pursuant to this section, whether as a

1 term of probation or not, shall be distributed as other court costs  
2 in accordance with section two, article three, chapter fifty;  
3 section four, article two-a, chapter fourteen;; section four,  
4 article twenty-nine, chapter thirty; and sections two, seven and  
5 ten, article five, chapter sixty-two, all of this code.

NOTE: The purpose of this bill is to provide a procedure for the conditional discharge for first offense underage purchase, consumption, sale, service or possession of alcoholic liquor.

This section is new; therefore, it has been completely underscored.