

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 2: CONTRABAND OFFENSES

§ 2148. Conditional Discharge for First Offense Possession.

(a) Whenever any person who has not previously been convicted of any offense under this chapter or under any statute of the United States or of any state or territory relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under 6 CMC § 2142(a), the court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place the accused on probation upon terms and conditions. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against the person. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime, including the additional penalties imposed for second or subsequent convictions under 6 CMC § 2149. Discharge and dismissal under this section may occur only once with respect to any person.

(b) Upon the dismissal of such person and discharge of the proceedings against that person under subsection (a) of this section, the person may apply to the court for an order to expunge from all official records (other than the nonpublic records to be retained by the court solely for the purpose of use by the court in determining whether or not, in subsequent proceedings, the person qualifies under this section) all recordation relating to the arrest, indictment or information, trial, finding of guilty, and dismissal and discharge pursuant to this section. If the court determines after hearing that the person was dismissed and the proceedings against him or her discharged, it shall enter that order. The effect of the order shall be to restore the person, in the contemplation of the law, to the status he or she occupied before the arrest of indictment or information. No person as to whom such order has been entered shall be held hereafter under any provisions of any law to be guilty of perjury or otherwise giving a false statement by reason of a failure to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made for any purpose.

Source: 63 TTC § 298.