



1 article sixteen, chapter eleven; subsection (a), section twenty-two  
2 (a), article three of this chapter; subdivision (1), subsection  
3 (a), section twenty-four, article three-a of this chapter;  
4 subsection (a), section twelve-a, article seven of this chapter or  
5 section twenty (a), article eight of this chapter, the court,  
6 without entering a judgment of guilt and with the consent of the  
7 accused, may defer further proceedings and place him or her on  
8 probation upon terms and conditions it considers appropriate, if  
9 the person has not previously been convicted of:

10 (1) Either of those offenses; or

11 (2) Any statute of the United States or of any state relating  
12 to underage purchase, consumption, sale, service or possession of  
13 nonintoxicating beer or alcoholic liquor.

14 (b) If the person violates a term or condition of the  
15 probation, the court may enter an adjudication of guilt and proceed  
16 as otherwise provided by law.

17 (c) Upon fulfillment of the terms and conditions of the  
18 probation, the court shall discharge the person and dismiss the  
19 proceedings against him or her.

20 (1) Discharge and dismissal under this section is without  
21 adjudication of guilt and is not a conviction for purposes of this  
22 section or for purposes of disqualifications or disabilities  
23 imposed by law upon conviction of a crime.

24 (2) The effect of the discharge and dismissal is to restore

1 the person in contemplation of law to the status he or she occupied  
2 prior to arrest and trial.

3 (3) A person to whom a discharge and dismissal have been  
4 effected under this section may not be found guilty of perjury,  
5 false swearing or otherwise giving a false statement by reason of  
6 his or her failure to disclose or acknowledge his or her arrest or  
7 trial relating to this section in response to any inquiry made of  
8 him or her for any purpose.

9 (d) There may be only one discharge and dismissal under this  
10 section with respect to any one person.

11 (e) After a period of not less than six months after the  
12 expiration of a term of probation imposed upon a person under  
13 subdivision (1), subsection (a), section nineteen, article sixteen,  
14 chapter eleven; subsection (a), section twenty-two (a), article  
15 three of this chapter; subdivision (1), subsection (a), section  
16 twenty-four, article three-a of this chapter; subsection (a),  
17 section twelve-a, article seven of this chapter or section twenty  
18 (a), article eight of this chapter, the person may apply to the  
19 court for an order to expunge from all official records all records  
20 of his or her arrest, trial and discharge pursuant to this section.

21 (f) If the court determines after a hearing that the person  
22 during the period of his or her probation and during the period  
23 prior to his or her application to the court under this section has  
24 not been guilty of any serious or repeated violation of the

1 conditions of his or her probation, it shall order the expungement.

2 (g) Notwithstanding any provision of this code to the  
3 contrary, any person prosecuted pursuant to the provisions of  
4 subdivision (1), subsection (a), section nineteen, article sixteen,  
5 chapter eleven; subsection (a), section twenty-two (a), article  
6 three of this chapter; subdivision (1), subsection (a), section  
7 twenty-four, article three-a of this chapter; subsection (a),  
8 section twelve-a, article seven of this chapter or section twenty  
9 (a), article eight of this chapter, whose case is disposed of  
10 pursuant to the provisions of this section, is liable for all court  
11 costs assessable against a person convicted of a violation of those  
12 sections. Payment of the costs may be made a condition of  
13 probation.

14 (h) The costs assessed pursuant to this section, whether as a  
15 term of probation or not, shall be distributed as other court costs  
16 in accordance with section two, article three, chapter fifty;  
17 section four, article two-a, chapter fourteen;, section four,  
18 article twenty-nine, chapter thirty; and sections two, seven and  
19 ten, article five, chapter sixty-two, all of this code.