

Existing law provides that at the conclusion of a probationary period when the defendant has successfully completed the guidelines of his probation, the court may set the conviction aside and dismiss the prosecution.

Existing law provides that the dismissal of this prosecution has the same effect of an acquittal, except where it applies to subsequent prosecution of the defendant as a multiple offender and as it applies to the laws relating to cumulation of offenses.

New law retains existing law and includes defendants who have completed drug court division probation.

New law requires that the dismissal of prosecution and setting aside of the conviction may only occur with concurrence of the district attorney.

New law provides that dismissal of prosecution as provided for in new law shall occur only once with respect to any person.

New law is remedial and is to be applied retroactively.

Effective August 15, 2008.

(Adds C.Cr.P. Art. 893(E)(3))