

**218A.276 Treatment and rehabilitation program for possessors of marijuana, synthetic cannabinoid agonists or piperazines, or salvia -- Court's discretion to void conviction.**

- (1) Any person found guilty of possession of marijuana pursuant to KRS 218A.1422 or possession of synthetic cannabinoid agonists or piperazines or salvia pursuant to KRS 218A.1427 may be ordered to a facility designated by the secretary of the Cabinet for Health and Family Services where a program of education, treatment, and rehabilitation not to exceed ninety (90) days in duration may be prescribed. The person ordered to the designated facility shall present himself for registration and initiation of a treatment program within five (5) days of the date of sentencing. If without good cause, the person fails to appear at the designated facility within the specified time, or if any time during the program of treatment prescribed, the authorized clinical director of the facility finds that the person is unwilling to participate in his treatment and rehabilitation, the director shall notify the sentencing court. Upon receipt of notification, the court shall cause the person to be brought before it and may continue the order of treatment and rehabilitation, or may order confinement in the county jail for not more than ninety (90) days or a fine of not more than two hundred fifty dollars (\$250), or both. Upon discharge of the person from the facility by the secretary of the Cabinet for Health and Family Services, or his designee, prior to the expiration of the ninety (90) day period or upon satisfactory completion of ninety (90) days of treatment, the person shall be deemed finally discharged from sentence. The secretary, or his designee, shall notify the sentencing court of the date of such discharge from the facility.
- (2) The secretary of the Cabinet for Health and Family Services, or his designee, shall inform each court of the identity and location of the facility to which a person sentenced by that court under this chapter shall be initially ordered.
- (3) In the case of a person ordered to a facility for treatment and rehabilitation pursuant to this chapter, transportation to the facility shall be provided by order of the court when the court finds the person unable to convey himself to the facility within five (5) days of sentencing by reason of physical infirmity or financial incapability.
- (4) The sentencing court shall immediately notify the designated facility of the sentence and its effective date.
- (5) The secretary of the Cabinet for Health and Family Services, or his designee, may authorize transfer of the person from the initially designated facility to another facility for therapeutic purposes. The sentencing court shall be notified of termination of treatment by the terminating facility.
- (6) Responsibility for payment for treatment services rendered to persons pursuant to this section shall be as under the statutes pertaining to payment by patients and others for services rendered by the Cabinet for Health and Family Services, unless the person and the facility shall arrange otherwise.
- (7) None of the provisions of this chapter shall be deemed to preclude the court from exercising its usual discretion with regard to ordering probation or conditional discharge.

- (8) In the case of any person who has been convicted of possession of marijuana or possession of synthetic cannabinoid agonists or piperazines or salvia, the court may set aside and void the conviction upon satisfactory completion of treatment, probation, or other sentence, and issue to the person a certificate to that effect. A conviction voided under this subsection shall not be deemed a first offense for purposes of this chapter or deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime.

**Effective:** April 26, 2010

**History:** Amended 2010 Ky. Acts ch. 149, sec. 12, effective April 13, 2010; and ch. 160, sec. 12, effective April 26, 2010. -- Amended 2005 Ky. Acts ch. 99, sec. 550, effective June 20, 2005. -- Amended 1998 Ky. Acts ch. 426, sec. 490, effective July 15, 1998. -- Created 1992 Ky. Acts ch. 441, sec. 10, effective July 14, 1992.

**Legislative Research Commission Note** (4/26/2010). This section was amended by 2010 Ky. Acts ch. 149 and 160, which do not appear to be in conflict and have been codified together.