

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0881.01 Conrad Imel x2313

HOUSE BILL 19-1263

HOUSE SPONSORSHIP

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House Committees

Judiciary
Finance
Appropriations

Senate Committees

Judiciary
Finance
Appropriations

SENATE
Amended 3rd Reading
May 3, 2019

A BILL FOR AN ACT

101 **CONCERNING CHANGING THE PENALTY FOR CERTAIN VIOLATIONS**
102 **PURSUANT TO THE "UNIFORM CONTROLLED SUBSTANCES ACT**
103 **OF 2013", AND, IN CONNECTION THEREWITH, MAKING AND**
104 **REDUCING AN APPROPRIATION.**

SENATE
Amended 2nd Reading
May 2, 2019

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

HOUSE
3rd Reading Unamended
April 18, 2019

Under existing law, possession of any amount of flunitrazepam, ketamine, cathinones, or a controlled substance listed in schedule I or II is a level 4 drug felony. Possession of a controlled substance listed in

HOUSE
Amended 2nd Reading
April 17, 2019

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

schedule III, IV, or V, except flunitrazepam or ketamine, is a level 1 drug misdemeanor. The bill makes possession of flunitrazepam, ketamine, cathinones, or a controlled substance listed in schedule I or II a level 1 drug misdemeanor. The bill makes conforming amendments related to making the possession offense a misdemeanor.

Under existing law, possession of more than 12 ounces of marijuana or more than 3 ounces of marijuana concentrate is a level 4 drug felony, and possession of 6 to 12 ounces of marijuana or not more than 3 ounces of marijuana concentrate is a level 1 drug misdemeanor. The bill makes possession of more than 6 ounces of marijuana or more than 3 ounces of marijuana concentrate a level 1 drug misdemeanor and makes possession of 3 ounces or less of marijuana concentrate a level 2 drug misdemeanor.

Under existing law, failure to appear after being released on summons or written promise to appear following arrest or detention for the petty offense of possession of not more than 2 ounces of marijuana is a class 3 misdemeanor. The bill clarifies that a person may not be arrested for the petty offense of possession of not more than 2 ounces of marijuana and that a court may issue a warrant for arrest of a person who fails to appear in court as required by a summons for the possession offense.

Under existing law, abusing toxic vapors is a level 2 drug misdemeanor and punishable with a sentence to jail for a second offense. The bill clarifies that a person may not be sentenced to jail specifically for a second offense.

Existing law requires a person convicted of an offense pursuant to the "Uniform Controlled Substances Act of 2013" (act) to be sentenced to complete useful public service unless that person is sentenced to the department of corrections or a community corrections facility. The bill permits a court to suspend a sentence to complete useful public service when it interferes with treatment or other probation requirements imposed by the court. The bill removes the useful public service requirement for persons receiving diversion or a deferred sentence. The bill requires only those convicted of a felony drug offense to submit to the fingerprinting and photographing requirements of the act.

The bill requires persons convicted of the level 1 drug misdemeanors related to unlawful possession of a controlled substance and possession of marijuana or marijuana concentrate to be punished by a sentence of up to 2 years probation, with up to 180 days in jail as a condition of, or for a violation of, probation, and a maximum \$1,000 fine.

The bill requires persons convicted of the level 2 drug misdemeanors related to unlawful use of a controlled substance, possession of marijuana or marijuana concentrate, unlawful use or possession of certain synthetic controlled substances, or abusing toxic vapors to be punished by a sentence of up to one year probation, with up to 120 days in jail as a condition of, or for a violation of, probation, and

a maximum \$500 fine.

The county court drug court grant program is established in the judicial department to provide grants to the county court of a city and county to establish and operate a misdemeanor drug court. In order to be eligible for a grant, the city and county must not receive state funding to operate the county court.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 18-18-403.5, **amend**
3 (2) introductory portion, (2)(a), and (2)(c); and add (4) and (5) as follows:

4 **18-18-403.5. Unlawful possession of a controlled substance.**

5 (2) ON OR AFTER MARCH 1, 2020, A person who violates subsection (1)
6 of this section by possessing:

7 (a) Any material, compound, mixture, or preparation that contains
8 any quantity of flunitrazepam; ketamine; GAMMA HYDROXYBUTYRATE,
9 INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS; cathinones; or
10 MORE THAN FOUR GRAMS OF A CONTROLLED SUBSTANCE LISTED IN SCHEDULE I OR
11 II of part 2 of this article ARTICLE 18 commits a level 4 drug felony.

12 (c) Any material, compound, mixture, or preparation that contains
13 NOT MORE THAN FOUR GRAMS OF A CONTROLLED SUBSTANCE LISTED IN
14 SCHEDULE I OR II OF PART 2 OF THIS ARTICLE 18 OR any quantity of a
15 controlled substance listed in schedule III, IV, or V of part 2 of this
16 ~~article~~ ARTICLE 18 except flunitrazepam, GAMMA HYDROXYBUTYRATE, or
17 ketamine commits a level 1 drug misdemeanor; EXCEPT THAT A FOURTH
18 OR SUBSEQUENT OFFENSE FOR A VIOLATION OF THIS SUBSECTION (2)(c) IS
19 A LEVEL 4 DRUG FELONY.

20 (4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF
21 THIS SECTION, ON OR AFTER MARCH 1, 2020, A DISTRICT ATTORNEY SHALL
22 NOT CHARGE OR PROSECUTE A PERSON PURSUANT TO THIS SECTION FOR

1 ANY MINUSCULE, RESIDUAL, OR UNUSABLE AMOUNT OF A CONTROLLED
2 SUBSTANCE THAT MAY BE PRESENT IN A USED HYPODERMIC NEEDLE OR
3 SYRINGE, OR OTHER DRUG PARAPHERNALIA, AS DEFINED IN SECTION
4 18-18-426. THE CIRCUMSTANCES DESCRIBED IN THIS SUBSECTION (4) MAY
5 BE USED AS A FACTOR IN A PROBABLE CAUSE OR REASONABLE SUSPICION
6 DETERMINATION OF ANY CRIMINAL OFFENSE IF THE ORIGINAL STOP OR
7 SEARCH WAS LAWFUL.

8 (5) NOTWITHSTANDING ANY PROVISION OF THIS SECTION, A
9 PERSON MAY BE CHARGED WITH ANY OTHER OFFENSE IN THIS ARTICLE 18,
10 INCLUDING UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, OR
11 SALE OF A CONTROLLED SUBSTANCE, OR POSSESSION WITH INTENT TO DO
12 THE SAME, PURSUANT TO SECTION 18-18-405, WHEN THERE IS EVIDENCE
13 FOR THE PERSON TO BE SO CHARGED. SUCH EVIDENCE MAY INCLUDE, BUT
14 IS NOT LIMITED TO, THE AMOUNT OF THE CONTROLLED SUBSTANCE THAT
15 THE PERSON POSSESSES.

16 **SECTION 2.** In Colorado Revised Statutes, 18-18-406, **amend**
17 (4) and (5)(a)(II) as follows:

18 **18-18-406. Offenses relating to marijuana and marijuana**
19 **concentrate - definitions.** (4) ON OR AFTER MARCH 1, 2020:

20 (a) A person who possesses more than twelve ounces of marijuana
21 or more than three ounces of marijuana concentrate commits a level 4
22 drug felony.

23 (b) A person who possesses more than six ounces of marijuana **but**
24 **not more than twelve ounces of marijuana** or **not** more than three ounces
25 of marijuana concentrate commits a level 1 drug misdemeanor.

26 (c) A person who possesses more than two ounces of marijuana
27 but not more than six ounces of marijuana OR NOT MORE THAN THREE

1 OUNCES OF MARIJUANA CONCENTRATE commits a level 2 drug
2 misdemeanor.

3 (5) (a) (II) Whenever a person is ~~arrested or~~ detained for a
4 violation of ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (5)(a)(I)
5 OF THIS SECTION COMMITTED ON OR AFTER MARCH 1, 2020, the ~~arresting~~
6 ~~or~~ detaining officer shall prepare a written notice or summons for the
7 person to appear in court. The written notice or summons must contain
8 the name and address of the ~~arrested or detained~~ person, the date, time,
9 and place where such person shall appear, and a place for the signature
10 of the person indicating the person's written promise to appear on the date
11 and at the time and place indicated on the notice or summons. One copy
12 of the notice or summons must be given to the person, ~~arrested or~~
13 ~~detained~~; one copy must be sent to the court where the ~~arrested or~~
14 ~~detained~~ person is to appear, and such other copies as may be required by
15 the law enforcement agency employing the ~~arresting or detaining~~ officer
16 must be sent to the places designated by such law enforcement agency.
17 The date specified in the notice or summons to appear must be at least
18 seven days after the ~~arrest or detention unless the person arrested or~~
19 ~~detained demands an earlier hearing~~ ISSUANCE OF THE NOTICE OR
20 SUMMONS. The place specified in the notice or summons to appear must
21 be before a judge having jurisdiction of the drug petty offense within the
22 county in which the drug petty offense charged is alleged to have been
23 committed. ~~The arrested or detained person, in order to secure release~~
24 ~~from arrest or detention, must promise in writing to appear in court by~~
25 ~~signing the notice or summons prepared by the arresting or detaining~~
26 ~~officer. Any person who does not honor the written promise to appear~~
27 ~~commits a class 3 misdemeanor~~ IF THE PERSON FAILS TO APPEAR IN

1 RESPONSE TO THE NOTICE OR SUMMONS, THE COURT, IN ITS DISCRETION,
2 MAY ISSUE A WARRANT FOR THE ARREST OF THE PERSON OR AN ORDER TO
3 SHOW CAUSE REQUIRING THE PERSON'S APPEARANCE IN COURT.

4 **SECTION 3.** In Colorado Revised Statutes, 18-18-412, **amend**
5 (2) as follows:

6 **18-18-412. Abusing toxic vapors - prohibited.** (2) A person
7 who knowingly violates the provisions of subsection (1) of this section
8 commits the offense of abusing toxic vapors. Abusing toxic vapors is a
9 level 2 drug misdemeanor. ~~except that a person shall not receive a~~
10 ~~sentence to confinement in jail for being convicted of a first offense~~
11 ~~pursuant to this subsection (2). A person convicted of a second or~~
12 ~~subsequent offense pursuant to this subsection (2) may receive a sentence~~
13 ~~to confinement in jail.~~

14 **SECTION 4.** In Colorado Revised Statutes, 18-18-432, **amend**
15 (2)(a) and (3); and **repeal** (2)(b) as follows:

16 **18-18-432. Drug offender public service and rehabilitation**
17 **program - definitions.** (2) (a) Upon conviction FOR AN OFFENSE
18 COMMITTED ON OR AFTER MARCH 1, 2020, A COURT SHALL SENTENCE
19 each drug offender, other than an offender sentenced to the department
20 of corrections or an offender sentenced directly to a community
21 corrections facility, ~~shall be sentenced by the court~~ to pay for and
22 complete, at a minimum, forty-eight hours of useful public service for any
23 felony, twenty-four hours of useful public service for any misdemeanor,
24 and sixteen hours of useful public service for any petty offense. Such
25 useful public service ~~shall be~~ IS in addition to, and not in lieu of, any other
26 sentence received by the drug offender. The court ~~shall not~~ MAY suspend
27 any portion of the minimum number of useful public service hours

1 ordered WHEN COMPLETION OF THE USEFUL PUBLIC SERVICE REQUIREMENT
2 INTERFERES WITH APPROPRIATE AND NECESSARY TREATMENT OR WITH
3 ANY OTHER REQUIREMENTS OF PROBATION ORDERED BY THE COURT. If any
4 drug offender is sentenced to probation, whether supervised by the court
5 or by a probation officer, the order to pay for and complete the useful
6 public service hours shall be IS made a condition of probation.

7 (b) ~~The provisions of this subsection (2) relating to the~~
8 ~~performance of useful public service are also applicable to any drug~~
9 ~~offender who receives a diversion in accordance with section 18-1.3-101~~
10 ~~or who receives a deferred sentence in accordance with section~~
11 ~~18-1.3-102 and the completion of any stipulated amount of useful public~~
12 ~~service hours to be completed by the drug offender shall be ordered by the~~
13 ~~court in accordance with the conditions of such deferred prosecution or~~
14 ~~deferred sentence as stipulated to by the prosecution and the drug~~
15 ~~offender.~~

16 (3) Upon a plea of guilty, including a plea of guilty entered
17 pursuant to a deferred sentence ~~under~~ PURSUANT TO section 18-1.3-102
18 or a verdict of guilty by the court or a jury, to any FELONY offense ~~under~~
19 PURSUANT TO this article, ~~or upon entry of a diversion pursuant to section~~
20 ~~18-1.3-101 for any offense under this article~~ ARTICLE 18, the court shall
21 order the drug offender to immediately report to the sheriff's department
22 in the county where the drug offender was charged, at which time the
23 drug offender's fingerprints and photographs shall MUST be taken and
24 returned to the court, which fingerprints and photographs shall become
25 a part of the court's official documents and records pertaining to the
26 charges against the drug offender and the drug offender's identification
27 in association with such charges. On any trial for a violation of any

1 criminal law of this state, a duly authenticated copy of the record of
2 former convictions and judgments of any court of record for any of said
3 crimes against the drug offender named in said convictions and judgments
4 ~~shall be~~ IS prima facie evidence of such convictions and may be used in
5 evidence against the drug offender. Identification photographs and
6 fingerprints that are part of the record of such former convictions and
7 judgments of any court of record or which are part of the record at the
8 place of the drug offender's incarceration after sentencing for any of such
9 former convictions and judgments ~~shall be~~ ARE prima facie evidence of
10 the identity of the drug offender and may be used in evidence against such
11 drug offender. Any drug offender who fails to immediately comply with
12 the court's order to report to the sheriff's department, to furnish
13 fingerprints, or to have photographs taken may be held in contempt of
14 court.

15 **SECTION 5.** In Colorado Revised Statutes, 18-1-711, **amend** (3)
16 introductory portion and (3)(c) as follows:

17 **18-1-711. Immunity for persons who suffer or report an**
18 **emergency drug or alcohol overdose event - definitions.** (3) The
19 immunity described in subsection (1) of this section ~~shall apply~~ APPLIES
20 to the following criminal offenses:

21 (c) IF COMMITTED ON OR AFTER MARCH 1, 2020, unlawful
22 possession of two ounces or less of marijuana, as described in section
23 18-18-406 (5)(a)(I); or more than two ounces of marijuana but ~~no~~ NOT
24 more than six ounces of marijuana OR NOT MORE THAN THREE OUNCES OF
25 MARIJUANA CONCENTRATE, as described in section 18-18-406 (4)(c); or
26 more than six ounces of marijuana, ~~but no more than twelve ounces of~~
27 ~~marijuana~~ or MORE THAN three ounces ~~or less~~ of marijuana concentrate as

1 described in section 18-18-406 (4)(b);

2 **SECTION 6.** In Colorado Revised Statutes, 18-1.3-501, **amend**
3 (1)(d); and **add** (1)(d.5) as follows:

4 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
5 **drug petty offenses classified - penalties - legislative intent -**
6 **definitions.** (1) (d) EXCEPT AS PROVIDED IN SUBSECTION (1)(d.5) OF THIS
7 SECTION, for purposes of sentencing a person convicted of a misdemeanor
8 drug offense described in article 18 of this ~~title~~ TITLE 18, committed on
9 or after October 1, 2013, drug misdemeanors are divided into two levels
10 that are distinguished from one another by the following penalties that are
11 authorized upon conviction:

12	Level	Minimum Sentence	Maximum Sentence
13	DM1	Six months imprisonment,	Eighteen months imprisonment,
14		five hundred dollars fine,	five thousand dollars fine,
15		or both	or both
16	DM2	No imprisonment,	Twelve months imprisonment,
17		fifty dollars fine	seven hundred fifty dollars
18			fine, or both

19 (d.5) (I) IT IS THE INTENTION OF THE GENERAL ASSEMBLY TO
20 CLASSIFY **MOST** DRUG POSSESSION ON AND AFTER MARCH 1, 2020, AS A
21 MISDEMEANOR OFFENSE WITH DIFFERENT SENTENCING OPTIONS AND
22 LIMITED INCARCERATION PENALTIES. THE PURPOSE OF THIS SENTENCING
23 SCHEME IS TO PROVIDE OFFENDERS WHO ARE ASSESSED TO BE IN NEED OF
24 TREATMENT OR OTHER INTERVENTION WITH PROBATION SUPERVISION IN
25 CONJUNCTION WITH EFFECTIVE MEDICAL AND BEHAVIORAL INTERVENTION
26 AND TREATMENT. FOR THOSE DRUG POSSESSORS WHO ARE NOT IN NEED OF
27 TREATMENT, SENTENCING BY THE COURTS SYSTEM SHOULD BE LIMITED.

1 THIS SENTENCING SCHEME RECOGNIZES THAT DRUG USE AND POSSESSION
2 IS PRIMARILY A HEALTH CONCERN AND SHOULD BE TREATED AS SUCH BY
3 COLORADO COURTS.

4 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(d) OF
5 THIS SECTION, FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED OF
6 A LEVEL 1 DRUG MISDEMEANOR COMMITTED ON OR AFTER MARCH 1, 2020,
7 IN VIOLATION OF SECTION 18-18-403.5 OR 18-18-406 (4)(b), A COURT MAY
8 SENTENCE AN OFFENDER TO PROBATION FOR UP TO TWO YEARS, WITH THE
9 POSSIBILITY OF A TOTAL OF ONE HUNDRED EIGHTY DAYS IN COUNTY JAIL
10 OR, FOR A THIRD OR SUBSEQUENT OFFENSE, A TOTAL OF UP TO THREE
11 HUNDRED SIXTY-FOUR DAYS IN COUNTY JAIL, WHICH MAY BE IMPOSED IN
12 WHOLE OR IN PART DURING THE TIME PERIOD OF PROBATION AS A
13 CONDITION OF PROBATION OR AS A SANCTION FOR A VIOLATION OF
14 PROBATION; OR THE COURT MAY SENTENCE AN OFFENDER TO UP TO ONE
15 HUNDRED EIGHTY DAYS IN THE COUNTY JAIL, EXCEPT THAT FOR A THIRD
16 OR SUBSEQUENT OFFENSE, THE COURT MAY SENTENCE AN OFFENDER TO UP
17 TO THREE HUNDRED SIXTY-FOUR DAYS IN THE COUNTY JAIL. IN ADDITION
18 TO THE SENTENCE TO PROBATION OR TO THE COUNTY JAIL, THE OFFENDER
19 MAY BE PUNISHED BY A FINE OF NOT MORE THAN ONE THOUSAND
20 DOLLARS.

21 (III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(d)
22 OF THIS SECTION, FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED
23 OF A LEVEL 2 DRUG MISDEMEANOR COMMITTED ON OR AFTER MARCH 1,
24 2020, IN VIOLATION OF SECTION 18-18-404, 18-18-406 (4)(c),
25 18-18-406.1, OR 18-18-412, A COURT MAY SENTENCE AN OFFENDER TO
26 PROBATION FOR UP TO ONE YEAR, WITH THE POSSIBILITY OF A TOTAL OF
27 ONE HUNDRED TWENTY DAYS IN COUNTY JAIL OR, FOR A THIRD OR

1 SUBSEQUENT OFFENSE, A TOTAL OF UP TO ONE HUNDRED EIGHTY DAYS IN
2 COUNTY JAIL, WHICH MAY BE IMPOSED IN WHOLE OR IN PART DURING THE
3 TIME PERIOD OF PROBATION AS A CONDITION OF PROBATION OR AS A
4 SANCTION FOR A VIOLATION OF PROBATION; OR THE COURT MAY SENTENCE
5 AN OFFENDER TO UP TO ONE HUNDRED TWENTY DAYS IN THE COUNTY JAIL,
6 EXCEPT THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE COURT MAY
7 SENTENCE AN OFFENDER TO UP TO ONE HUNDRED EIGHTY DAYS IN THE
8 COUNTY JAIL. IN ADDITION TO THE SENTENCE TO PROBATION OR TO THE
9 COUNTY JAIL, THE OFFENDER MAY BE PUNISHED BY A FINE OF NOT MORE
10 THAN FIVE HUNDRED DOLLARS.

11 (IV) NOTHING IN THIS SUBSECTION (1)(d.5) INFRINGES UPON THE
12 AUTHORITY AND DISCRETION VESTED WITH A DISTRICT ATTORNEY TO FILE
13 MISDEMEANOR CHARGES IN EITHER DISTRICT COURT OR COUNTY COURT,
14 WHICH COURTS, PURSUANT TO SECTION 13-6-106, HAVE CONCURRENT
15 ORIGINAL JURISDICTION OVER VIOLATIONS OF STATE LAW THAT
16 CONSTITUTE MISDEMEANORS. DISTRICT ATTORNEYS ARE ENCOURAGED TO
17 FILE MISDEMEANOR OR DRUG CHARGES IN THE COURT WHERE, IF THERE IS
18 A CONVICTION, TREATMENT AND SUPERVISION CAN MOST EFFECTIVELY BE
19 MATCHED TO THE DEFENDANT'S ASSESSED RISK AND TREATMENT NEED
20 LEVELS.

21 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-103.5, **amend**
22 (3)(a) as follows:

23 **18-1.3-103.5. Felony convictions - vacate and enter conviction**
24 **on misdemeanor after successful completion.** (3) This section applies
25 to convictions for the following offenses:

26 (a) ON OR AFTER MARCH 1, 2020, possession of a controlled
27 substance; but only when the quantity of the controlled substance is not

1 more than four grams of a ~~schedule I or schedule H~~ controlled substance,
2 ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY
3 QUANTITY OF GAMMA HYDROXYBUTYRATE, INCLUDING ITS SALTS,
4 ISOMERS, AND SALTS OF ISOMERS; not more than two grams of
5 ~~methamphetamine, heroin,~~ ketamine or cathinones; or not more than four
6 milligrams of flunitrazepam. The district attorney and defendant may
7 stipulate to the amount of the controlled substance possessed by the
8 defendant at the time of sentencing, or the court shall determine the
9 amount at the time of sentencing.

10 SECTION 8. In Colorado Revised Statutes, 18-1.3-801, **amend**
11 (2)(b) as follows:

12 **18-1.3-801. Punishment for habitual criminals.** (2) (b) The
13 provisions of ~~paragraph (a) of this subsection (2) shall not~~ SUBSECTION
14 (2)(a) OF THIS SECTION DO NOT apply to a conviction for a level 4 drug
15 felony COMMITTED ON OR AFTER MARCH 1, 2020, pursuant to section
16 18-18-403.5 (2), or a conviction for a level 4 drug felony COMMITTED ON
17 OR AFTER MARCH 1, 2020, for attempt or conspiracy to commit unlawful
18 possession of a controlled substance, as described in section 18-18-403.5
19 (2), if the amount of the ~~schedule I or schedule H~~ controlled substance
20 possessed is not more than four grams OF ANY MATERIAL, COMPOUND,
21 MIXTURE, OR PREPARATION CONTAINING ANY QUANTITY OF GAMMA
22 HYDROXYBUTYRATE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF
23 ISOMERS, or not more than two grams of ~~methamphetamine, heroin,~~
24 cathinones or ketamine, or not more than four milligrams of
25 flunitrazepam, even if the person has been previously convicted of three
26 or more qualifying felony convictions. [REDACTED]

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SECTION 9. In Colorado Revised Statutes, add 24-32-125 as follows:

24-32-125. Community substance use and mental health services grant program - creation. (1) THERE IS CREATED IN THE DEPARTMENT OF LOCAL AFFAIRS THE COMMUNITY SUBSTANCE USE AND MENTAL HEALTH SERVICES GRANT PROGRAM, REFERRED TO IN THIS SECTION AS THE "GRANT PROGRAM", TO PROVIDE GRANTS TO COUNTIES THAT PROVIDE SUBSTANCE USE OR MENTAL HEALTH TREATMENT SERVICES TO, FACILITATE DIVERSION PROGRAMS FOR, OR DEVELOP OTHER STRATEGIES TO REDUCE JAIL AND PRISON BED USE BY, PERSONS WHO COME INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM. A COUNTY THAT PROVIDES SUCH TREATMENT SERVICES AND PROGRAMS IN COLLABORATION WITH PUBLIC HEALTH AGENCIES, LAW ENFORCEMENT AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS, IS ELIGIBLE FOR A GRANT PURSUANT TO THE GRANT PROGRAM.

(2) THE DEPARTMENT SHALL ISSUE A GRANT TO ANY ELIGIBLE COUNTY. THE AMOUNT OF A GRANT AWARDED PURSUANT TO THIS SECTION MUST BE BASED ON THE COST OF THE SERVICES PROVIDED AND THE NUMBER OF PERSONS THAT RECEIVE SERVICES.

(3) THE DEPARTMENT MAY DEVELOP POLICIES AND PROCEDURES NECESSARY FOR THE OPERATION OF THE GRANT PROGRAM, INCLUDING THE APPLICATION PROCESS; THE FORMULA FOR DETERMINING THE AMOUNT AWARDED TO EACH ELIGIBLE COUNTY; A PROCESS FOR VERIFYING THAT THE COUNTY IS PROVIDING SERVICES DESCRIBED IN THIS SECTION IN COLLABORATION WITH PUBLIC HEALTH AGENCIES, LAW ENFORCEMENT AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS; AND A

1 REQUIREMENT THAT EACH GRANT RECIPIENT PROVIDES A REPORT TO THE
2 DEPARTMENT DESCRIBING HOW THE GRANT FUNDS WERE UTILIZED.

3 (4) BEGINNING FOR FISCAL YEAR 2020-21, AND FOR EACH YEAR
4 THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE
5 DEPARTMENT, FOR THE PURPOSE OF PROVIDING GRANTS PURSUANT TO THE
6 GRANT PROGRAM, AT LEAST ONE MILLION EIGHT HUNDRED THOUSAND
7 DOLLARS FROM THE GENERAL FUND GENERATED FROM ESTIMATED
8 SAVINGS FROM HOUSE BILL 19-1263, ENACTED IN 2019.

9

10 **SECTION 10. Appropriation - adjustments to 2019 long bill.**

11 (1) To implement this act, the general fund appropriation made in the
12 annual general appropriation act for the 2019-20 state fiscal year to the
13 judicial department for trial court programs is decreased by \$48,730, and
14 the related FTE is decreased by 0.4 FTE.

15 (2) For the 2019-20 state fiscal year, \$123,139 is appropriated to
16 the judicial department. This appropriation is from the general fund. To
17 implement this act, the department may use this appropriation for
18 probation programs, which amount is based on an assumption that the
19 program will require an additional 0.8 FTE.

20 **SECTION 11. Act subject to petition - effective date -**

21 **applicability.** (1) Except as provided in subsection (2) of this section,
22 this act takes effect at 12:01 a.m. on the day following the expiration of
23 the ninety-day period after final adjournment of the general assembly
24 (August 2, 2019, if adjournment sine die is on May 3, 2019); except that,
25 if a referendum petition is filed pursuant to section 1 (3) of article V of
26 the state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part will not take effect

1 unless approved by the people at the general election to be held in
2 November 2020 and, in such case, will take effect on the date of the
3 official declaration of the vote thereon by the governor.

4 (2) Sections 1 to 8 of this act take effect March 1, 2020, and apply
5 to offenses committed on or after said date.