

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0881.01 Conrad Imel x2313

HOUSE BILL 19-1263

HOUSE SPONSORSHIP

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SENATE SPONSORSHIP

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House Committees

Judiciary
Finance
Appropriations

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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.**

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>.)

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

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.*

HOUSE
3rd Reading Unamended
April 18, 2019

HOUSE
Amended 2nd Reading
April 17, 2019

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)(a) and (2)(c); and add (4) as follows:**

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

5 **(2) A person who violates subsection (1) of this section by possessing:**

6 **(a) Any material, compound, mixture, or preparation that contains**
7 **any quantity of flunitrazepam; ketamine; GAMMA HYDROXYBUTYRATE,**
8 **INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS; OR cathinones or**
9 **a controlled substance listed in schedule I or II of part 2 of this article**
10 **commits a level 4 drug felony.**

11 **(c) Any material, compound, mixture, or preparation that contains**
12 **any quantity of a controlled substance listed in ~~schedule III, IV, or V~~**
13 **SCHEDULE I, II, III, IV, OR V of part 2 of this ~~article~~ ARTICLE 18 except**
14 **flunitrazepam, GAMMA HYDROXYBUTYRATE, or ketamine commits a level**
15 **1 drug misdemeanor.**

16 **(4) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (2) OF**
17 **THIS SECTION, A DISTRICT ATTORNEY SHALL NOT CHARGE OR PROSECUTE**
18 **A PERSON PURSUANT TO THIS SECTION FOR ANY MINUSCULE, RESIDUAL, OR**
19 **UNUSABLE AMOUNT OF A CONTROLLED SUBSTANCE THAT MAY BE PRESENT**
20 **IN A USED HYPODERMIC NEEDLE OR SYRINGE, OR OTHER DRUG**
21 **PARAPHERNALIA, AS DEFINED IN SECTION 18-18-426.**

22 **SECTION 2.** In Colorado Revised Statutes, 18-18-406, **amend**

1 (4) and (5)(a)(II) as follows:

2 **18-18-406. Offenses relating to marijuana and marijuana**
3 **concentrate - definitions.** (4) (a) ~~A person who possesses more than~~
4 ~~twelve ounces of marijuana or more than three ounces of marijuana~~
5 ~~concentrate commits a level 4 drug felony.~~

6 (b) A person who possesses more than six ounces of marijuana ~~but~~
7 ~~not more than twelve ounces of marijuana~~ or ~~not~~ more than three ounces
8 of marijuana concentrate commits a level 1 drug misdemeanor.

9 (c) A person who possesses more than two ounces of marijuana
10 but not more than six ounces of marijuana OR NOT MORE THAN THREE
11 OUNCES OF MARIJUANA CONCENTRATE commits a level 2 drug
12 misdemeanor.

13 (5) (a) (II) Whenever a person is ~~arrested or~~ detained for a
14 violation of ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (5)(a)(I)
15 OF THIS SECTION, the ~~arresting or~~ detaining officer shall prepare a written
16 notice or summons for the person to appear in court. The written notice
17 or summons must contain the name and address of the ~~arrested or~~
18 ~~detained~~ person, the date, time, and place where such person shall appear,
19 and a place for the signature of the person indicating the person's written
20 promise to appear on the date and at the time and place indicated on the
21 notice or summons. One copy of the notice or summons must be given to
22 the person, ~~arrested or detained~~, one copy must be sent to the court where
23 the ~~arrested or detained~~ person is to appear, and such other copies as may
24 be required by the law enforcement agency employing the ~~arresting or~~
25 ~~detaining~~ officer must be sent to the places designated by such law
26 enforcement agency. The date specified in the notice or summons to
27 appear must be at least seven days after the ~~arrest or detention unless the~~

1 ~~person arrested or detained demands an earlier hearing~~ ISSUANCE OF THE
2 NOTICE OR SUMMONS. The place specified in the notice or summons to
3 appear must be before a judge having jurisdiction of the drug petty
4 offense within the county in which the drug petty offense charged is
5 alleged to have been committed. ~~The arrested or detained person, in order~~
6 ~~to secure release from arrest or detention, must promise in writing to~~
7 ~~appear in court by signing the notice or summons prepared by the~~
8 ~~arresting or detaining officer. Any person who does not honor the written~~
9 ~~promise to appear commits a class 3 misdemeanor~~ IF THE PERSON FAILS
10 TO APPEAR IN RESPONSE TO THE NOTICE OR SUMMONS, THE COURT, IN ITS
11 DISCRETION, MAY ISSUE A WARRANT FOR THE ARREST OF THE PERSON OR
12 AN ORDER TO SHOW CAUSE REQUIRING THE PERSON'S APPEARANCE IN
13 COURT.

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

16 **18-18-412. Abusing toxic vapors - prohibited.** (2) A person
17 who knowingly violates the provisions of subsection (1) of this section
18 commits the offense of abusing toxic vapors. Abusing toxic vapors is a
19 level 2 drug misdemeanor. ~~except that a person shall not receive a~~
20 ~~sentence to confinement in jail for being convicted of a first offense~~
21 ~~pursuant to this subsection (2). A person convicted of a second or~~
22 ~~subsequent offense pursuant to this subsection (2) may receive a sentence~~
23 ~~to confinement in jail.~~

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

26 **18-18-432. Drug offender public service and rehabilitation**
27 **program - definitions.** (2) (a) Upon conviction, A COURT SHALL

1 SENTENCE each drug offender, other than an offender sentenced to the
2 department of corrections or an offender sentenced directly to a
3 community corrections facility, ~~shall be sentenced by the court~~ to pay for
4 and complete, at a minimum, forty-eight hours of useful public service for
5 any felony, twenty-four hours of useful public service for any
6 misdemeanor, and sixteen hours of useful public service for any petty
7 offense. Such useful public service ~~shall be~~ IS in addition to, and not in
8 lieu of, any other sentence received by the drug offender. The court ~~shall~~
9 ~~not~~ MAY suspend any portion of the minimum number of useful public
10 service hours ordered WHEN COMPLETION OF THE USEFUL PUBLIC SERVICE
11 REQUIREMENT INTERFERES WITH APPROPRIATE AND NECESSARY
12 TREATMENT OR WITH ANY OTHER REQUIREMENTS OF PROBATION ORDERED
13 BY THE COURT. If any drug offender is sentenced to probation, whether
14 supervised by the court or by a probation officer, the order to pay for and
15 complete the useful public service hours ~~shall be~~ IS made a condition of
16 probation.

17 (b) ~~The provisions of this subsection (2) relating to the~~
18 ~~performance of useful public service are also applicable to any drug~~
19 ~~offender who receives a diversion in accordance with section 18-1.3-101~~
20 ~~or who receives a deferred sentence in accordance with section~~
21 ~~18-1.3-102 and the completion of any stipulated amount of useful public~~
22 ~~service hours to be completed by the drug offender shall be ordered by the~~
23 ~~court in accordance with the conditions of such deferred prosecution or~~
24 ~~deferred sentence as stipulated to by the prosecution and the drug~~
25 ~~offender.~~

26 (3) Upon a plea of guilty, including a plea of guilty entered
27 pursuant to a deferred sentence ~~under~~ PURSUANT TO section 18-1.3-102

1 or a verdict of guilty by the court or a jury, to any FELONY offense ~~under~~
2 PURSUANT TO this article, or upon entry of a diversion pursuant to section
3 ~~18-1.3-101 for any offense under this article~~ ARTICLE 18, the court shall
4 order the drug offender to immediately report to the sheriff's department
5 in the county where the drug offender was charged, at which time the
6 drug offender's fingerprints and photographs ~~shall~~ MUST be taken and
7 returned to the court, which fingerprints and photographs ~~shall~~ become
8 a part of the court's official documents and records pertaining to the
9 charges against the drug offender and the drug offender's identification
10 in association with such charges. On any trial for a violation of any
11 criminal law of this state, a duly authenticated copy of the record of
12 former convictions and judgments of any court of record for any of said
13 crimes against the drug offender named in said convictions and judgments
14 ~~shall be~~ IS prima facie evidence of such convictions and may be used in
15 evidence against the drug offender. Identification photographs and
16 fingerprints that are part of the record of such former convictions and
17 judgments of any court of record or which are part of the record at the
18 place of the drug offender's incarceration after sentencing for any of such
19 former convictions and judgments ~~shall be~~ ARE prima facie evidence of
20 the identity of the drug offender and may be used in evidence against such
21 drug offender. Any drug offender who fails to immediately comply with
22 the court's order to report to the sheriff's department, to furnish
23 fingerprints, or to have photographs taken may be held in contempt of
24 court.

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

27 **18-1-711. Immunity for persons who suffer or report an**

1 **emergency drug or alcohol overdose event - definitions.** (3) The
2 immunity described in subsection (1) of this section ~~shall apply~~ APPLIES
3 to the following criminal offenses:

4 (c) Unlawful possession of two ounces or less of marijuana, as
5 described in section 18-18-406 (5)(a)(I); or more than two ounces of
6 marijuana but ~~no~~ NOT more than six ounces of marijuana OR NOT MORE
7 THAN THREE OUNCES OF MARIJUANA CONCENTRATE, as described in
8 section 18-18-406 (4)(c); or more than six ounces of marijuana, ~~but no~~
9 ~~more than twelve ounces of marijuana~~ or MORE THAN three ounces ~~or less~~
10 of marijuana concentrate as described in section 18-18-406 (4)(b);

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

13 **18-1.3-501. Misdemeanors classified - drug misdemeanors and**
14 **drug petty offenses classified - penalties - legislative intent -**
15 **definitions.** (1) (d) EXCEPT AS PROVIDED IN SUBSECTION (1)(d.5) OF THIS
16 SECTION, for purposes of sentencing a person convicted of a misdemeanor
17 drug offense described in article 18 of this ~~title~~ TITLE 18, committed on
18 or after October 1, 2013, drug misdemeanors are divided into two levels
19 that are distinguished from one another by the following penalties that are
20 authorized upon conviction:

21	Level	Minimum Sentence	Maximum Sentence
22	DM1	Six months imprisonment,	Eighteen months imprisonment,
23		five hundred dollars fine,	five thousand dollars fine,
24		or both	or both
25	DM2	No imprisonment,	Twelve months imprisonment,
26		fifty dollars fine	seven hundred fifty dollars
27			fine, or both

1 (d.5) (I) IT IS INTENTION OF THE GENERAL ASSEMBLY TO CLASSIFY
2 MOST DRUG POSSESSION AS A MISDEMEANOR OFFENSE WITH DIFFERENT
3 SENTENCING OPTIONS AND LIMITED INCARCERATION PENALTIES. THE
4 PURPOSE OF THIS SENTENCING SCHEME IS TO PROVIDE OFFENDERS WHO
5 ARE ASSESSED TO BE IN NEED OF TREATMENT OR OTHER INTERVENTION
6 WITH PROBATION SUPERVISION IN CONJUNCTION WITH EFFECTIVE MEDICAL
7 AND BEHAVIORAL INTERVENTION AND TREATMENT. FOR THOSE DRUG
8 POSSESSORS WHO ARE NOT IN NEED OF TREATMENT, SENTENCING BY THE
9 COURTS SYSTEM SHOULD BE LIMITED. THIS SENTENCING SCHEME
10 RECOGNIZES THAT DRUG USE AND POSSESSION IS PRIMARILY A HEALTH
11 CONCERN AND SHOULD BE TREATED AS SUCH BY COLORADO COURTS.

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

1 (III) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (1)(d)
2 OF THIS SECTION, FOR THE PURPOSE OF SENTENCING A PERSON CONVICTED
3 OF A LEVEL 2 DRUG MISDEMEANOR IN VIOLATION OF SECTION 18-18-404,
4 18-18-406 (4)(c), 18-18-406.1, OR 18-18-412, A COURT MAY SENTENCE AN
5 OFFENDER TO PROBATION FOR UP TO ONE YEAR, WITH THE POSSIBILITY OF
6 A TOTAL OF ONE HUNDRED TWENTY DAYS IN COUNTY JAIL OR, FOR A THIRD
7 OR SUBSEQUENT OFFENSE, A TOTAL OF UP TO ONE HUNDRED EIGHTY DAYS
8 IN COUNTY JAIL, WHICH MAY BE IMPOSED IN WHOLE OR IN PART DURING
9 THE TIME PERIOD OF PROBATION AS A CONDITION OF PROBATION OR AS A
10 SANCTION FOR A VIOLATION OF PROBATION; OR THE COURT MAY SENTENCE
11 AN OFFENDER TO UP TO ONE HUNDRED TWENTY DAYS IN THE COUNTY JAIL,
12 EXCEPT THAT FOR A THIRD OR SUBSEQUENT OFFENSE, THE COURT MAY
13 SENTENCE AN OFFENDER TO UP TO ONE HUNDRED EIGHTY DAYS IN THE
14 COUNTY JAIL. IN ADDITION TO THE SENTENCE TO PROBATION OR TO THE
15 COUNTY JAIL, THE OFFENDER MAY BE PUNISHED BY A FINE OF NOT MORE
16 THAN FIVE HUNDRED DOLLARS.

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

27 **SECTION 7.** In Colorado Revised Statutes, 18-1.3-103.5, **amend**

1 (3)(a) as follows:

2 **18-1.3-103.5. Felony convictions - vacate and enter conviction**
3 **on misdemeanor after successful completion.** (3) This section applies
4 to convictions for the following offenses:

5 (a) Possession of a controlled substance; but only when the
6 quantity of the controlled substance is not more than four grams of a
7 ~~schedule I or schedule II controlled substance,~~ ANY MATERIAL,
8 COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY QUANTITY OF
9 GAMMA HYDROXYBUTYRATE, INCLUDING ITS SALTS, ISOMERS, AND SALTS
10 OF ISOMERS; not more than two grams of ~~methamphetamine, heroin,~~
11 ~~ketamine or cathinones;~~ or not more than four milligrams of
12 flunitrazepam. The district attorney and defendant may stipulate to the
13 amount of the controlled substance possessed by the defendant at the time
14 of sentencing, or the court shall determine the amount at the time of
15 sentencing.

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

18 **18-1.3-801. Punishment for habitual criminals.** (2) (b) The
19 provisions of ~~paragraph (a) of this subsection (2) shall not~~ SUBSECTION
20 (2)(a) OF THIS SECTION DO NOT apply to a conviction for a level 4 drug
21 felony pursuant to section 18-18-403.5 (2), or a conviction for a level 4
22 drug felony for attempt or conspiracy to commit unlawful possession of
23 a controlled substance, as described in section 18-18-403.5 (2), if the
24 amount of the ~~schedule I or schedule II controlled substance~~ possessed is
25 not more than four grams OF ANY MATERIAL, COMPOUND, MIXTURE, OR
26 PREPARATION CONTAINING ANY QUANTITY OF GAMMA
27 HYDROXYBUTYRATE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF

1 ISOMERS, or not more than two grams of ~~methamphetamine, heroin,~~
2 ~~cathinones or ketamine, or not more than four milligrams of~~
3 ~~flunitrazepam, even if the person has been previously convicted of three~~
4 ~~or more qualifying felony convictions.~~ [REDACTED]

5 SECTION 9. In Colorado Revised Statutes, add 13-3-117 as
6 follows:

7 **13-3-117. County court drug court grant program - eligibility**


8 **- report.** (1) THERE IS CREATED IN THE JUDICIAL DEPARTMENT THE
9 COUNTY COURT DRUG COURT GRANT PROGRAM, REFERRED TO IN THIS
10 SECTION AS THE "GRANT PROGRAM", FOR THE PURPOSE OF PROVIDING TO
11 AN ELIGIBLE CITY AND COUNTY THE MONEY TO OPERATE AN
12 EVIDENCE-BASED MISDEMEANOR DRUG COURT IN ITS COUNTY COURT OR
13 TO CONDUCT SCREENING, ASSESSMENT, DIVERSION, OR TREATMENT, OR
14 PROVIDE SUPERVISION, FOR DRUG OFFENDERS.

15 (2) THE STATE COURT ADMINISTRATOR SHALL ADMINISTER THE
16 GRANT PROGRAM AND DEVELOP POLICIES AND PROCEDURES FOR THE
17 OPERATION OF THE GRANT PROGRAM. IN DEVELOPING THE POLICIES AND
18 PROCEDURES, THE STATE COURT ADMINISTRATOR SHALL WORK WITH A
19 CITY AND COUNTY THAT IS AWARDED A GRANT PURSUANT TO THE GRANT
20 PROGRAM TO HELP ENSURE THE CONTINUITY OF SERVICES, INCLUDING
21 COURT-BASED TREATMENT SERVICES, AND COURT INVOLVEMENT FOR
22 OFFENDERS MOVING BETWEEN DISTRICT COURT AND COUNTY COURT. THE
23 STATE COURT ADMINISTRATOR SHALL REQUIRE A CITY AND COUNTY THAT
24 IS AWARDED A GRANT TO REPORT INFORMATION CONCERNING
25 IMPLEMENTATION OF THE GRANT PROGRAM, INCLUDING THE NUMBER OF
26 PARTICIPANTS SERVED ANNUALLY PURSUANT TO A GRANT AWARD.

27 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL

1 ASSEMBLY, THE STATE COURT ADMINISTRATOR SHALL AWARD A GRANT TO
2 EACH ELIGIBLE CITY AND COUNTY. A CITY AND COUNTY IS ELIGIBLE TO
3 RECEIVE A GRANT IF THE COUNTY COURT OF THE CITY AND COUNTY DOES
4 NOT RECEIVE FUNDING FOR THE OPERATION OF ITS COUNTY COURT
5 PURSUANT TO SECTION 13-3-104.

6 (4) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
7 (11)(a)(I), ON OR BEFORE DECEMBER 31, 2020, AND ON OR BEFORE
8 DECEMBER 31 EACH YEAR THEREAFTER, THE JUDICIAL DEPARTMENT
9 SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
10 ASSEMBLY INFORMATION CONCERNING THE GRANT PROGRAM, INCLUDING
11 THE NUMBER OF PARTICIPANTS SERVED AND THE GRANT EXPENDITURES
12 FOR THE PRIOR FISCAL YEAR.

13 
14 **SECTION 10.** In Colorado Revised Statutes, **add 24-32-125** as
15 follows:

16 **24-32-125. Community substance use and mental health**
17 **services grant program - creation.** (1) THERE IS CREATED IN THE
18 DEPARTMENT OF LOCAL AFFAIRS THE COMMUNITY SUBSTANCE USE AND
19 MENTAL HEALTH SERVICES GRANT PROGRAM, REFERRED TO IN THIS
20 SECTION AS THE "GRANT PROGRAM", TO PROVIDE GRANTS TO COUNTIES
21 THAT PROVIDE SUBSTANCE USE OR MENTAL HEALTH TREATMENT SERVICES
22 TO, FACILITATE DIVERSION PROGRAMS FOR, OR DEVELOP OTHER
23 STRATEGIES TO REDUCE JAIL AND PRISON BED USE BY, PERSONS WHO COME
24 INTO CONTACT WITH THE CRIMINAL JUSTICE SYSTEM. A COUNTY THAT
25 PROVIDES SUCH TREATMENT SERVICES AND PROGRAMS IN COLLABORATION
26 WITH PUBLIC HEALTH AGENCIES, LAW ENFORCEMENT AGENCIES, AND
27 COMMUNITY-BASED ORGANIZATIONS, IS ELIGIBLE FOR A GRANT PURSUANT

1 TO THE GRANT PROGRAM.

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

6 (3) THE DEPARTMENT MAY DEVELOP POLICIES AND PROCEDURES
7 NECESSARY FOR THE OPERATION OF THE GRANT PROGRAM, INCLUDING THE
8 APPLICATION PROCESS; THE FORMULA FOR DETERMINING THE AMOUNT
9 AWARDED TO EACH ELIGIBLE COUNTY; A PROCESS FOR VERIFYING THAT
10 THE COUNTY IS PROVIDING SERVICES DESCRIBED IN THIS SECTION IN
11 COLLABORATION WITH PUBLIC HEALTH AGENCIES, LAW ENFORCEMENT
12 AGENCIES, AND COMMUNITY-BASED ORGANIZATIONS; AND A
13 REQUIREMENT THAT EACH GRANT RECIPIENT PROVIDES A REPORT TO THE
14 DEPARTMENT DESCRIBING HOW THE GRANT FUNDS WERE UTILIZED.

15 (4) THE GENERAL ASSEMBLY SHALL APPROPRIATE, FROM THE
16 OFFENDER SERVICES FUND CREATED IN SECTION 16-11-214 (1)(a), TO THE
17 DEPARTMENT, FOR THE PURPOSE OF PROVIDING GRANTS PURSUANT TO THE
18 GRANT PROGRAM, AT LEAST ONE MILLION DOLLARS FOR FISCAL YEAR
19 2019-20 AND AT LEAST TWO MILLION DOLLARS FOR FISCAL YEAR 2020-21.
20 BEGINNING FOR FISCAL YEAR 2021-22, AND FOR EACH YEAR THEREAFTER,
21 THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT, FOR
22 THE PURPOSE OF PROVIDING GRANTS PURSUANT TO THE GRANT PROGRAM,
23 AT LEAST THREE MILLION DOLLARS FROM THE GENERAL FUND GENERATED
24 FROM ESTIMATED SAVINGS FROM HOUSE BILL 19-1263, ENACTED IN 2019.

25 **SECTION 11.** In Colorado Revised Statutes, 16-11-214, add
26 (1)(e) as follows:

27 **16-11-214. Fund created - probation services.**

1 (1) (e) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (1)(a) OF THIS
2 SECTION TO THE CONTRARY, THE GENERAL ASSEMBLY MAY APPROPRIATE
3 MONEY FROM THE OFFENDER SERVICES FUND TO THE DEPARTMENT OF
4 LOCAL AFFAIRS FOR THE COMMUNITY SUBSTANCE USE AND MENTAL
5 HEALTH SERVICES GRANT PROGRAM ESTABLISHED IN SECTION 24-32-125.

6 **SECTION 12. Appropriation - adjustments to 2019 long bill.**

7 (1) To implement this act, the general fund appropriation made in the
8 annual general appropriation act for the 2019-20 state fiscal year to the
9 judicial department for trial court programs is decreased by \$297,370, and
10 the related FTE is decreased by 3.2 FTE.

11 (2) For the 2019-20 state fiscal year, \$350,000 is appropriated to
12 the judicial department. This appropriation is from the general fund. To
13 implement this act, the department may use this appropriation for the
14 county court drug court grant program.

15 **SECTION 13. Effective date - applicability.** This act takes
16 effect upon passage; except that sections 1 to 8 of this act take effect
17 March 1, 2020, and apply to offenses committed on or after said date.

18 **SECTION 14. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.