

HOUSE COMMITTEE OF REFERENCE AMENDMENT
Committee on Judiciary.

HB19-1263 be amended as follows:

- 1 Amend printed bill, page 3, line 3, strike "(2); and substitute "(2)(a) and
2 (2)(c);".
- 3 Page 2, strike lines 5 through 18, and substitute:
4 "(2) A person who violates subsection (1) of this section by possessing:
5 (a) Any material, compound, mixture, or preparation that contains
6 any quantity of flunitrazepam; ketamine; GAMMA HYDROXYBUTYRATE,
7 INCLUDING ITS SALTS, ISOMERS, AND SALTS OF ISOMERS; OR cathinones ~~or~~
8 a controlled substance listed in schedule I or II of part 2 of this article
9 commits a level 4 drug felony.
10 (c) Any material, compound, mixture, or preparation that contains
11 any quantity of a controlled substance listed in ~~schedule III, IV, or V~~
12 SCHEDULE I, II, III, IV, OR V of part 2 of this ~~article~~ ARTICLE 18 except
13 flunitrazepam, GAMMA HYDROXYBUTYRATE, or ketamine commits a level
14 1 drug misdemeanor.".
- 15 Page 9, line 4, strike "ALL" and substitute "MOST".
- 16 Page 10, line 8, strike "**repeal**" and substitute "**amend**".
- 17 Page 10, strike lines 13 through 20, and substitute:
18 "(a) Possession of a controlled substance; but only when the
19 quantity of the controlled substance is not more than four grams of ~~a~~
20 ~~schedule I or schedule II controlled substance~~, ANY MATERIAL,
21 COMPOUND, MIXTURE, OR PREPARATION CONTAINING ANY QUANTITY OF
22 GAMMA HYDROXYBUTYRATE, INCLUDING ITS SALTS, ISOMERS, AND SALTS
23 OF ISOMERS; not more than two grams of ~~methamphetamine, heroin,~~
24 ketamine or cathinones; or not more than four milligrams of
25 flunitrazepam. The district attorney and defendant may stipulate to the
26 amount of the controlled substance possessed by the defendant at the time
27 of sentencing, or the court shall determine the amount at the time of
28 sentencing.".
- 29 Page 10, line 21, strike "**repeal**" and substitute "**amend**".
- 30 Page 10, strike lines 23 through 27, and substitute:
31 "**18-1.3-801. Punishment for habitual criminals.** (2) (b) The
32 provisions of paragraph (a) of this subsection (2) shall not THIS
33 SUBSECTION (2)(a) DO NOT apply to a conviction for a level 4 drug felony
34 pursuant to section 18-18-403.5 (2), or a conviction for a level 4 drug

1 felony for attempt or conspiracy to commit unlawful possession of a
2 controlled substance, as described in section 18-18-403.5 (2), if the
3 amount of the ~~schedule I or schedule II~~ controlled substance possessed is
4 not more than four grams OF ANY MATERIAL, COMPOUND, MIXTURE, OR
5 PREPARATION CONTAINING ANY QUANTITY OF GAMMA
6 HYDROXYBUTYRATE, INCLUDING ITS SALTS, ISOMERS, AND SALTS OF
7 ISOMERS, or not more than two grams of ~~methamphetamine, heroin,~~
8 cathinones or ketamine, or not more than four milligrams of
9 flunitrazepam, even if the person has been previously convicted of three
10 or more qualifying felony convictions.".

- 11 Page 11, strike lines 1 through 25.
- 12 Renumber succeeding sections accordingly.
- 13 Page 12, line 21, strike "9" and substitute "8".

*** *** *** *** *