

**Second Regular Session  
Seventieth General Assembly  
STATE OF COLORADO**

**PREAMENDED**

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

LLS NO. 16-1104.01 Jerry Barry x4341

**HOUSE BILL 16-1359**

---

**HOUSE SPONSORSHIP**

**Salazar,**

**SENATE SPONSORSHIP**

**(None),**

---

**House Committees**  
Judiciary

**Senate Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING THE USE OF MEDICAL MARIJUANA WHILE ON PROBATION.**

**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://www.leg.state.co.us/billsummaries>.)*

Current law prohibits a court from requiring that a person on probation refrain from possessing or using medical marijuana unless the person was convicted of a crime related to medical marijuana or, based on an assessment, the court determines that a prohibition against such possession or use is necessary to accomplish the goals of sentencing. The bill eliminates the exception related to the assessment.

---

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

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-1.3-204, **amend**  
3 (2) (a) (VIII) as follows:

4 **18-1.3-204. Conditions of probation - interstate compact**  
5 **probation transfer cash fund - creation.** (2) (a) When granting  
6 probation, the court may, as a condition of probation, require that the  
7 defendant:

8 (VIII) Refrain from excessive use of alcohol or any unlawful use  
9 of controlled substances, as defined in section 18-18-102 (5), or of any  
10 other dangerous or abusable drug without a prescription; except that the  
11 court shall not, as a condition of probation, prohibit the possession or use  
12 of medical marijuana, as authorized pursuant to section 14 of article  
13 XVIII of the state constitution, unless:

14 (A) The defendant is sentenced to probation for conviction of a  
15 crime under article 43.3 of title 12, C.R.S.; or

16 (B) The court determines, based on ~~the assessment as required by~~  
17 ~~section 18-1.3-209~~ ANY MATERIAL EVIDENCE, THAT a prohibition against  
18 the possession or use of medical marijuana is necessary and appropriate  
19 to accomplish the goals of sentencing as stated in SECTION 18-1-102.5;

20 **SECTION 2. Act subject to petition - effective date -**  
21 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
22 the expiration of the ninety-day period after final adjournment of the  
23 general assembly (August 10, 2016, if adjournment sine die is on May 11,  
24 2016); except that, if a referendum petition is filed pursuant to section 1  
25 (3) of article V of the state constitution against this act or an item, section,  
26 or part of this act within such period, then the act, item, section, or part  
27 will not take effect unless approved by the people at the general election

1 to be held in November 2016 and, in such case, will take effect on the  
2 date of the official declaration of the vote thereon by the governor.

3 (2) This act applies to persons on probation on or after the  
4 applicable effective date of this act.