

CHAPTER 305

**CRIMINAL LAW AND PROCEDURE**

**SENATE BILL 02-050**

BY SENATOR(S) Gordon, Anderson, Arnold, Chlouber, Dyer, Epps, Evans, Fitz-Gerald, Hagedorn, Hernandez, Lamborn, Linkhart, Nichol, Owen, Phillips, Teck, and Windels;  
also REPRESENTATIVE(S) Decker, Borodkin, Boyd, Coleman, Groff, Hefley, Lawrence, Marshall, Ragsdale, Romanoff, and Sanchez.

**AN ACT**

**CONCERNING A PROHIBITION ON THE POSSESSION OF CERTAIN SUBSTANCES USED TO MANUFACTURE CONTROLLED SUBSTANCES, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

**SECTION 1.** Part 4 of article 18 of title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**18-18-412.5. Unlawful possession of materials to make methamphetamine and amphetamine - penalty.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT PERSONS ARE MANUFACTURING METHAMPHETAMINE AND AMPHETAMINE USING NONPRESCRIPTION DRUGS THAT ARE READILY AND LEGALLY AVAILABLE. THE GENERAL ASSEMBLY FURTHER FINDS THAT IT IS NECESSARY TO MAKE ILLEGAL THE POSSESSION OF SUCH NONPRESCRIPTION DRUGS WITH THE INTENT TO USE THEM AS IMMEDIATE PRECURSORS IN MANUFACTURING ANY CONTROLLED SUBSTANCE.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, NO PERSON SHALL POSSESS EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE, OR THEIR SALTS, ISOMERS, OR SALTS OF ISOMERS, WITH THE INTENT TO USE SUCH PRODUCT AS AN IMMEDIATE PRECURSOR IN THE MANUFACTURE OF ANY CONTROLLED SUBSTANCE.

(3) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION COMMITS A CLASS 3 FELONY.

**SECTION 2.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

**17-1-139. Appropriation to comply with section 2-2-703 - S.B. 02-050.**

(1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE NECESSARY, ARE MADE IN ORDER TO IMPLEMENT S.B. 02-050, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED SIXTY-NINE DOLLARS (\$486,269).

(b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED SIXTY-NINE DOLLARS (\$486,269).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF ONE HUNDRED NINETY THOUSAND SEVEN HUNDRED FIFTY-SEVEN DOLLARS (\$190,757).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED SIXTY-NINE DOLLARS (\$486,269).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF THREE HUNDRED EIGHTY-ONE THOUSAND FIVE HUNDRED FOURTEEN DOLLARS (\$381,514).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION 17-1-116, THE SUM OF FOUR HUNDRED FORTY-NINE THOUSAND SEVEN HUNDRED NINETY-NINE DOLLARS (\$449,799).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF FIVE HUNDRED SEVENTY-TWO THOUSAND TWO HUNDRED SEVENTY-ONE DOLLARS (\$572,271).

(e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, IN ADDITION TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE DEPARTMENT OF

CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL FUND NOT OTHERWISE APPROPRIATED, THE SUM OF SEVEN HUNDRED FORTY-EIGHT THOUSAND SEVEN HUNDRED TWENTY-ONE DOLLARS (\$748,721).

**SECTION 3.** 24-75-302 (2)(o), (2)(p), (2)(q), and (2)(r), Colorado Revised Statutes, are amended to read:

**24-75-302. Capital construction fund - capital assessment fees - calculation.**

(2) As of July 1, 1988, and July 1 of each year thereafter through July 1, 2005, a sum as specified in this subsection (2) shall accrue to the capital construction fund. The state treasurer and the controller shall transfer such sum out of the general fund and into the capital construction fund as moneys become available in the general fund during the fiscal year beginning on said July 1. Transfers between funds pursuant to this subsection (2) shall not be deemed to be appropriations subject to the limitations of section 24-75-201.1. The amount which shall accrue pursuant to this subsection (2) shall be as follows:

(o) On July 1, 2002, one hundred million dollars, plus thirteen thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted at the second regular session of the sixty-first general assembly; plus eight million three hundred seven thousand five hundred nine dollars pursuant to H.B. 98-1156, enacted at the second regular session of the sixty-first general assembly; plus three hundred ninety-seven thousand nine hundred twenty-three dollars pursuant to H.B. 98-1160, enacted at the second regular session of the sixty-first general assembly; plus fifty thousand three hundred sixty-four dollars pursuant to H.B. 00-1107, enacted at the second regular session of the sixty-second general assembly; plus one hundred twenty-one thousand five hundred sixty-seven dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus two hundred fifty thousand eighty-one dollars pursuant to H.B. 00-1214, enacted at the second regular session of the sixty-second general assembly; plus forty thousand five hundred twenty-two dollars pursuant to H.B. 00-1247, enacted at the second regular session of the sixty-second general assembly; plus one million seven hundred sixty-eight thousand two hundred twenty-five dollars pursuant to H.B. 01-1205, enacted at the first regular session of the sixty-third general assembly; plus one hundred thirty-eight thousand nine hundred thirty-four dollars pursuant to H.B. 01-1242, enacted at the first regular session of the sixty-third general assembly; PLUS FOUR HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED SIXTY-NINE DOLLARS PURSUANT TO S.B. 02-050, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(p) On July 1, 2003, one hundred million dollars, plus twenty-six thousand six hundred twenty-nine dollars pursuant to H.B. 01-1204, enacted at the first regular session of the sixty-third general assembly; plus one hundred thirty-eight thousand nine hundred thirty-four dollars pursuant to H.B. 01-1242, enacted at the first regular session of the sixty-third general assembly; PLUS FOUR HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED SIXTY-NINE DOLLARS PURSUANT TO S.B. 02-050, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(q) On July 1, 2004, one hundred million dollars, plus two hundred thirty-three thousand eight hundred seventy-two dollars pursuant to H.B. 00-1201, enacted at the second regular session of the sixty-second general assembly; plus seventy-nine thousand eight hundred eighty-seven dollars pursuant to H.B. 01-1242, enacted at the

first regular session of the sixty-third general assembly; PLUS FOUR HUNDRED EIGHTY-SIX THOUSAND TWO HUNDRED SIXTY-NINE DOLLARS PURSUANT TO S.B. 02-050, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

(r) On July 1, 2005, one hundred million dollars; PLUS FOUR HUNDRED FORTY-NINE THOUSAND SEVEN HUNDRED NINETY-NINE DOLLARS PURSUANT TO S.B.02-050, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the judicial department, for allocation to the public defender, for the fiscal year beginning July 1, 2002, the sum of fourteen thousand three hundred seventy-three dollars (\$14,373) and 0.3 FTE, or so much thereof as may be necessary, for the implementation of this act.

**SECTION 5. Appropriation - adjustments in long bill.** For the implementation of this act, appropriations made in the annual general appropriation act, for the fiscal year beginning July 1, 2002, shall be adjusted by decreasing the general fund appropriation for performance-based pay by five hundred thousand six hundred forty-two dollars (\$500,642). Said sum shall be derived from such sources and allocated as detailed in the following table:

<b>DEPARTMENT</b>	<b>GENERAL FUND</b>
Agriculture	(\$4,727)
CCHE, Arts Council, Historical Society	(7,878)
Corrections	(256,541)
Education	(8,973)
Governor	(10,021)
Health Care Policy and Financing	(4,909)
Human Services	(113,154)
Law - Classified Employees	(2,776)
Law - Exempt Employees	(4,999)
Local Affairs	(5,756)
Military Affairs	(2,107)
Natural Resources	(15,460)
Personnel	(10,297)

<b>DEPARTMENT</b>	<b>GENERAL FUND</b>
Public Health and Environment	(7,119)
Public Safety	(9,945)
Regulatory Agencies	(1,352)
Revenue	(33,730)
Treasury	(898)
<b>Grand Total</b>	<b>(\$500,642)</b>

**SECTION 6. Effective date - applicability.** (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to offenses committed on or after the applicable effective date of this act.

Approved: June 6, 2002