

CHAPTER 306

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 02-1038

BY REPRESENTATIVE(S) Tapia, Alexander, Boyd, Coleman, Daniel, Decker, Fritz, Groff, Jahn, Lawrence, Mace, Madden, Marshall, Rhodes, Romanoff, Snook, Tochtrop, Vigil, Weddig, and Williams S.;
also SENATOR(S) Arnold, Anderson, Chlouber, Entz, Epps, Evans, Fitz-Gerald, Gordon, Hagedorn, Hanna, Hernandez, Isgar, Lamborn, Musgrave, Nichol, Teck, and Windels.

AN ACT**CONCERNING THE UNLAWFUL POSSESSION OF CERTAIN ITEMS WITH INTENT TO MANUFACTURE A CONTROLLED SUBSTANCE, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. 18-18-405 (1) (a), Colorado Revised Statutes, is amended to read:

18-18-405. Unlawful distribution, manufacturing, dispensing, sale, or possession. (1) (a) Except as authorized by part 3 of article 22 of title 12, C.R.S., or by part 2 or 3 of this article, it is unlawful for any person knowingly to manufacture, dispense, sell, distribute, possess, or to possess with intent to manufacture, dispense, sell, or distribute a controlled substance; or induce, attempt to induce, or conspire with one or more other persons, to manufacture, dispense, sell, distribute, possess, or possess with intent to manufacture, dispense, sell, or distribute a controlled substance; OR POSSESS ONE OR MORE CHEMICALS OR SUPPLIES OR EQUIPMENT WITH INTENT TO MANUFACTURE A CONTROLLED SUBSTANCE.

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

17-1-139. Appropriation to comply with section 2-2-703 - H.B. 02-1038.
(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 H.B. 02-1038, 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

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

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 FIVE HUNDRED SIX THOUSAND FIVE HUNDRED THIRTY DOLLARS (\$506,530).

(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 NINE HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED THIRTY-EIGHT DOLLARS (\$972,538).

(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-NINE THOUSAND FOUR HUNDRED SIXTY-TWO DOLLARS (\$389,462).

(d) 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 SEVEN HUNDRED SEVENTY THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS (\$770,976).

(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 SEVENTY THOUSAND NINE HUNDRED SEVENTY-SIX DOLLARS (\$770,976).

SECTION 3. 24-75-302 (2) (o), (2) (p), and (2) (q), 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 H.B. 02-1038, 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 FIVE HUNDRED SIX THOUSAND FIVE HUNDRED THIRTY DOLLARS PURSUANT TO H.B. 02-1038, 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 NINE HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED THIRTY-EIGHT DOLLARS PURSUANT TO H.B. 02-1038, 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 twelve thousand nine hundred forty-seven dollars (\$12,947) 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 four hundred ninety-nine thousand two hundred sixteen dollars (\$499,216). Said sum shall be derived from such sources and allocated as detailed in the following table:

DEPARTMENT	GENERAL FUND
Agriculture	(4,714)
CCHE, Arts Council, Historical Society	(7,855)
Corrections	(255,811)
Education	(8,947)
Governor	(9,992)
Health Care Policy and Financing	(4,895)
Human Services	(112,832)
Law - Classified Employees	(2,768)
Law - Exempt Employees	(4,984)
Local Affairs	(5,740)
Military Affairs	(2,101)
Natural Resources	(15,416)
Personnel	(10,268)
Public Health and Environment	(7,099)
Public Safety	(9,917)
Regulatory Agencies	(1,348)
Revenue	(33,634)
Treasury	(895)
Grand Total	(499,216)

SECTION 6. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to offenses committed on or after said date.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 6, 2002