

## CHAPTER 341

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**CRIMINAL LAW AND PROCEDURE**

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**HOUSE BILL 06-1145**

BY REPRESENTATIVE(S) Solano, Curry, Gallegos, Larson, Lindstrom, Merrifield, Paccione, Penry, Riesberg, Soper, Buescher, Benefield, Jahn, Ragsdale, Todd, Berens, Borodkin, Crane, Green, Hall, Hodge, Kerr A., Kerr J., Knoedler, Madden, Massey, McCluskey, McGihon, Pommer, Romanoff, Stafford, Vigil, Witwer, Coleman, Hoppe, Marshall, Rose, and White; also SENATOR(S) Teck, Bacon, Hanna, Shaffer, Tochtrop, Williams, Windels, Boyd, Fitz-Gerald, Grossman, Isgar, Jones, May R., Taylor, Traylor, and Veiga.

**AN ACT**

**CONCERNING THE DEVELOPMENT OF A COMPREHENSIVE RESPONSE TO THE METHAMPHETAMINE PROBLEM IN COLORADO, AND, IN CONNECTION THEREWITH, CREATING A STATE METHAMPHETAMINE TASK FORCE TO EXAMINE THE PREVENTION, INTERVENTION, AND TREATMENT OF THE ABUSE OF METHAMPHETAMINE AND TO EXAMINE THE PRODUCTION AND DISTRIBUTION OF METHAMPHETAMINE, STRENGTHENING THE LAWS CONCERNING METHAMPHETAMINE, AND MAKING AN APPROPRIATION.**

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

**SECTION 1. Legislative declaration.** (1) The general assembly finds that:

(a) Methamphetamine labs and use are a plague that infests urban, suburban, and rural communities across Colorado; and

(b) The methamphetamine problem requires a comprehensive and coordinated response involving a diverse partnership of state government, local governments, and the private sector, including legislators, child advocates, public health officials, drug treatment providers, child welfare workers, law enforcement officers, judges, and prosecutors.

(2) The general assembly, therefore, determines and declares that it is necessary to enact a bill that addresses, in a coordinated manner, issues relating to the methamphetamine problem by:

(a) Establishing a state methamphetamine task force to:

(1) Assist local communities with implementation of the most effective practices

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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.*

to respond to illegal methamphetamine production, distribution, and use;

(II) Develop statewide strategies in collaboration with local communities to address prevention, intervention, treatment, and enforcement; and

(III) Take a comprehensive approach to and provide assistance and recommendations concerning prevention, intervention, and treatment and the response of the criminal justice system to the methamphetamine problem in Colorado;

(b) Restricting the ability to purchase methamphetamine precursors at retail by limiting quantity and requiring behind-the-counter sales;

(c) Prohibiting the sale of methamphetamine precursors to minors;

(d) Clarifying that the child abuse crime of manufacturing a controlled substance in the presence of a minor is a crime of strict liability;

(e) Specifying that a person commits child abuse if he or she knowingly causes children to be kept or put in or near controlled substance labs, regardless of whether the person is actually involved in the manufacture of a controlled substance; and

(f) Developing strategies for the treatment of children affected by methamphetamine with regard to their mental health, physical health, and social welfare.

**SECTION 2.** Title 18, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

#### **ARTICLE 18.5**

#### **Methamphetamine Abuse Prevention, Intervention, and Treatment and the Response of the Criminal Justice System**

**18-18.5-101. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS THAT:

(a) METHAMPHETAMINE IS A CENTRAL NERVOUS SYSTEM STIMULANT THAT CAN BE ORALLY INGESTED, SMOKED, SNORTED, OR INJECTED;

(b) CURRENT LEGITIMATE MEDICAL USES FOR METHAMPHETAMINE ARE VERY LIMITED, CONSISTING OF RELATIVELY SHORT-TERM TREATMENT FOR NARCOLEPSY, ATTENTION DEFICIT DISORDER, AND OBESITY;

(c) METHAMPHETAMINE CONTINUES TO EXHIBIT A HIGH POTENTIAL FOR ADDICTION AND ABUSE;

(d) METHAMPHETAMINE USE AND MANUFACTURING PLACE COUNTLESS COLORADO CHILDREN AT RISK OF METHAMPHETAMINE INGESTION AND EXPOSURE TO TOXIC CHEMICALS, WEAPONS, PORNOGRAPHY, PREDATORS, AND IMPAIRED AND NEGLECTFUL CARETAKERS. THESE CHILDREN ARE AT INCREASED RISK OF NEGLECT AS WELL AS PHYSICAL AND SEXUAL ABUSE.

(e) METHAMPHETAMINE ABUSE DURING PREGNANCY PLACES CHILDREN AT DIRECT RISK FOR COMPLICATIONS, INCLUDING PREMATURE DELIVERY, ALTERED NEONATAL BEHAVIOR PATTERNS SUCH AS ABNORMAL REFLEXES AND EXTREME IRRITABILITY, CONGENITAL DEFORMITIES, LOW BIRTH WEIGHT, ATTENTION DEFICIT DISORDER, AND PRENATAL AND POSTNATAL NEGLECT, MANY OF WHICH CAUSE LIFELONG DEFECTS;

(f) IN COLORADO, THE RATE OF METHAMPHETAMINE TREATMENT ADMISSIONS INCREASED OVER TWO HUNDRED PERCENT BETWEEN 1997 AND 2004 AND HAS RISEN SINCE. METHAMPHETAMINE-RELATED ARRESTS AND PROSECUTIONS HAVE INCREASED AT A SIMILAR RATE, AND SEVENTY PERCENT OF COLORADO COUNTIES REPORTED A MAJOR INCREASE IN OUT-OF-HOME FOSTER CARE PLACEMENTS IN THE LAST FIVE YEARS DUE TO THE USE OR MANUFACTURE OF METHAMPHETAMINE.

(g) EACH YEAR COLORADO SPENDS SIGNIFICANT AMOUNTS OF MONEY IN COSTS RELATED TO UNTREATED SUBSTANCE ABUSE.

(2) THE GENERAL ASSEMBLY FURTHER FINDS THAT METHAMPHETAMINE LABS AND ABUSE ARE A SCOURGE THAT HARMS CITIZENS OF COLORADO. IMPROVEMENTS IN RESPONSES TO THE METHAMPHETAMINE EPIDEMIC SHOULD BE SUPPORTED IN THE CRIMINAL JUSTICE SYSTEM, MENTAL HEALTH SERVICES, SOCIAL SERVICES, CHILD WELFARE AND YOUTH SERVICES, COMMUNITY TASK FORCES, TREATMENT FOR PARENTS WHO ABUSE METHAMPHETAMINE AND TREATMENT FOR CHILDREN AFFECTED BY METHAMPHETAMINE USE OR MANUFACTURE, AND OTHER SYSTEMS AFFECTED BY METHAMPHETAMINE.

(3) THE GENERAL ASSEMBLY, THEREFORE, DETERMINES AND DECLARES THAT IT IS NECESSARY TO CREATE A STATE METHAMPHETAMINE TASK FORCE TO:

(a) EXAMINE AND IMPLEMENT THE MOST EFFECTIVE MODELS AND PRACTICES FOR THE PREVENTION OF METHAMPHETAMINE PRODUCTION, DISTRIBUTION, AND ABUSE AND FOR THE TREATMENT OF CHILDREN AND ADULTS AFFECTED BY METHAMPHETAMINE ADDICTION;

(b) FORMULATE AND IMPLEMENT A RESPONSE FROM THE CRIMINAL JUSTICE SECTOR REGARDING THE METHAMPHETAMINE PROBLEM; AND

(c) MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY FOR THE DEVELOPMENT OF STATEWIDE STRATEGIES AND LEGISLATIVE PROPOSALS RELATED TO THESE ISSUES.

**18-18.5-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "TASK FORCE" MEANS THE STATE METHAMPHETAMINE TASK FORCE ESTABLISHED PURSUANT TO SECTION 18-18.5-103.

**18-18.5-103. State methamphetamine task force - creation - membership - duties.** (1) THERE IS HEREBY CREATED THE STATE METHAMPHETAMINE TASK FORCE.

(2) THE TASK FORCE SHALL CONSIST OF THE FOLLOWING MEMBERS:

(a) (I) THE ATTORNEY GENERAL OR HIS OR HER DESIGNEE, WHO SHALL SERVE AS THE CHAIR;

(II) AN EXPERT IN THE FIELD OF METHAMPHETAMINE ABUSE PREVENTION, WHO SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE AND SERVE AS A VICE-CHAIR;

(III) AN EXPERT IN THE FIELD OF METHAMPHETAMINE ABUSE TREATMENT, WHO SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SERVE AS A VICE-CHAIR;

(IV) A REPRESENTATIVE OF THE CRIMINAL JUSTICE SYSTEM, WHO SHALL BE APPOINTED BY THE GOVERNOR AND SERVE AS A VICE-CHAIR;

(V) THE PRESIDENT OF THE SENATE OR HIS OR HER DESIGNEE;

(VI) THE MINORITY LEADER OF THE SENATE OR HIS OR HER DESIGNEE;

(VII) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OR HIS OR HER DESIGNEE;

(VIII) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES OR HIS OR HER DESIGNEE;

(b) SIXTEEN MEMBERS APPOINTED BY THE TASK FORCE CHAIR AND VICE-CHAIRS AS FOLLOWS:

(I) A REPRESENTATIVE OF A STATEWIDE CHILD ADVOCACY ORGANIZATION;

(II) A REPRESENTATIVE OF A MAJOR HEALTH FACILITY THAT FOCUSES ON THE TREATMENT OF CHILDREN;

(III) A REPRESENTATIVE OF A HUMAN SERVICES AGENCY WITH EXPERIENCE IN CHILD WELFARE ISSUES;

(IV) AN EXPERT IN ALCOHOL AND DRUG TREATMENT PROCEDURES;

(V) A REPRESENTATIVE OF THE CRIMINAL DEFENSE BAR;

(VI) A REPRESENTATIVE OF A MENTAL HEALTH TREATMENT PROVIDER;

(VII) A REPRESENTATIVE OF THE DEPARTMENT OF EDUCATION, WHO IS FAMILIAR WITH THE DEPARTMENT'S DRUG PREVENTION INITIATIVES;

(VIII) A REPRESENTATIVE OF THE COLORADO DISTRICT ATTORNEYS COUNCIL;

(IX) A REPRESENTATIVE OF A COLORADO SHERIFFS' ORGANIZATION;

(X) A REPRESENTATIVE OF A COLORADO POLICE CHIEFS' ORGANIZATION;

(XI) A COUNTY COMMISSIONER FROM A RURAL COUNTY;

(XII) A REPRESENTATIVE OF AN ORGANIZATION THAT PROVIDES INFORMATION, ADVOCACY, AND SUPPORT SERVICES TO MUNICIPALITIES LOCATED IN RURAL COUNTIES;

(XIII) A LICENSED PHARMACIST;

(XIV) A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC SAFETY;

(XV) A REPRESENTATIVE OF THE OFFICE OF THE CHILD'S REPRESENTATIVE;

(XVI) A REPRESENTATIVE OF THE DIVISION OF ADULT PAROLE OF THE DEPARTMENT OF CORRECTIONS;

(c) TWO MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE COLORADO SUPREME COURT WHO REPRESENT THE JUDICIAL DEPARTMENT, ONE OF WHOM IS A DISTRICT COURT JUDGE EXPERIENCED IN HANDLING CASES INVOLVING METHAMPHETAMINE AND ONE OF WHOM REPRESENTS THE DIVISION OF PROBATION WITHIN THE JUDICIAL DEPARTMENT;

(d) A MEMBER APPOINTED BY THE GOVERNOR WHO REPRESENTS THE GOVERNOR'S POLICY STAFF.

(3) A VACANCY OCCURRING IN A POSITION SHALL BE FILLED AS SOON AS POSSIBLE BY THE APPROPRIATE APPOINTING AUTHORITY DESIGNATED IN SUBSECTION (2) OF THIS SECTION.

(4) THE TASK FORCE SHALL:

(a) ASSIST LOCAL COMMUNITIES IN IMPLEMENTING THE MOST EFFECTIVE MODELS AND PRACTICES FOR METHAMPHETAMINE ABUSE PREVENTION, INTERVENTION, AND TREATMENT AND IN DEVELOPING THE RESPONSES BY THE CRIMINAL JUSTICE SYSTEM;

(b) REVIEW MODEL PROGRAMS THAT HAVE SHOWN THE BEST RESULTS IN COLORADO AND ACROSS THE UNITED STATES AND PROVIDE INFORMATION ON THE PROGRAMS TO LOCAL COMMUNITIES AND LOCAL DRUG TASK FORCES;

(c) ASSIST AND AUGMENT LOCAL DRUG TASK FORCES WITHOUT SUPPLANTING THEM;

(d) INVESTIGATE COLLABORATIVE MODELS ON PROTECTING CHILDREN AND OTHER VICTIMS OF METHAMPHETAMINE PRODUCTION, DISTRIBUTION, AND ABUSE;

(e) MEASURE AND EVALUATE THE PROGRESS OF THE STATE AND LOCAL JURISDICTIONS IN PREVENTING METHAMPHETAMINE PRODUCTION, DISTRIBUTION, AND ABUSE AND IN PROSECUTING PERSONS ENGAGING IN THESE ACTS;

(f) EVALUATE APPROACHES TO INCREASE PUBLIC AWARENESS OF METHAMPHETAMINE PRODUCTION, DISTRIBUTION, AND ABUSE;

(g) ASSIST LOCAL COMMUNITIES WITH IMPLEMENTATION OF THE MOST EFFECTIVE PRACTICES TO RESPOND TO ILLEGAL METHAMPHETAMINE PRODUCTION,

DISTRIBUTION, AND USE;

(h) CONSIDER ANY OTHER ISSUES CONCERNING METHAMPHETAMINE PRODUCTION, DISTRIBUTION, AND ABUSE THAT ARISE DURING THE COURSE OF THE TASK FORCE STUDY.

(5) ALL STATE AND LOCAL AGENCIES SHALL COOPERATE WITH THE TASK FORCE AND PROVIDE SUCH DATA AND OTHER INFORMATION AS THE TASK FORCE MAY REQUIRE IN CARRYING OUT ITS DUTIES UNDER THIS SECTION. ANY STATE OR LOCAL AGENCY OR ORGANIZATION THAT IS REPRESENTED ON THE TASK FORCE MAY PROVIDE STAFF ASSISTANCE TO THE TASK FORCE, SUBJECT TO THE DISCRETION OF THE CHAIR. ANY STAFF ASSISTANCE PROVIDED TO THE TASK FORCE PURSUANT TO THIS SUBSECTION (5) SHALL BE WITHOUT COMPENSATION.

(6) IN ADDITION, THE TASK FORCE SHALL:

(a) MEET AT LEAST SIX TIMES EACH YEAR FROM THE DATE OF THE FIRST MEETING UNTIL JANUARY 1, 2010, OR MORE OFTEN AS DIRECTED BY THE CHAIR OF THE TASK FORCE;

(b) COMMUNICATE WITH AND OBTAIN INPUT FROM GROUPS THROUGHOUT THE STATE AFFECTED BY THE ISSUES IDENTIFIED IN SUBSECTION (4) OF THIS SECTION;

(c) CREATE SUBCOMMITTEES AS NEEDED TO CARRY OUT THE DUTIES OF THE TASK FORCE. THE SUBCOMMITTEES MAY CONSIST, IN PART, OF PERSONS WHO ARE NOT MEMBERS OF THE TASK FORCE. SUCH PERSONS MAY VOTE ON ISSUES BEFORE THE SUBCOMMITTEE BUT SHALL NOT BE ENTITLED TO A VOTE AT MEETINGS OF THE TASK FORCE.

(d) SUBMIT A WRITTEN REPORT TO THE JUDICIARY COMMITTEES, OR ANY SUCCESSOR COMMITTEES, OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE GENERAL ASSEMBLY BY JANUARY 1, 2007, AND BY EACH JANUARY 1 THEREAFTER THROUGH JANUARY 1, 2010, AT A MINIMUM SPECIFYING THE FOLLOWING:

(I) ISSUES TO BE STUDIED IN UPCOMING TASK FORCE MEETINGS AND A PRIORITIZATION OF THOSE ISSUES;

(II) FINDINGS AND RECOMMENDATIONS REGARDING ISSUES OF PRIOR CONSIDERATION BY THE TASK FORCE;

(III) LEGISLATIVE PROPOSALS OF THE TASK FORCE THAT IDENTIFY THE POLICY ISSUES INVOLVED, THE AGENCIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE CHANGES, AND THE FUNDING SOURCES REQUIRED FOR SUCH IMPLEMENTATION.

(7)(a) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (7), MEMBERS OF THE TASK FORCE SHALL SERVE WITHOUT COMPENSATION.

(b) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307, C.R.S., LEGISLATIVE MEMBERS OF THE TASK FORCE MAY RECEIVE PAYMENT OF PER DIEM AND REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES AUTHORIZED PURSUANT

TO SAID SECTION AND ANY OTHER DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES OF THE LEGISLATIVE MEMBERS OF THE TASK FORCE SET FORTH IN THIS ARTICLE ONLY FROM MONEYS APPROPRIATED FROM THE METHAMPHETAMINE ABUSE PREVENTION, INTERVENTION, AND TREATMENT CASH FUND, CREATED IN SECTION 18-18.5-105.

**18-18.5-104. Task force funding.** (1) THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, ON BEHALF OF THE TASK FORCE, IS AUTHORIZED TO RECEIVE AND EXPEND CONTRIBUTIONS, GRANTS, SERVICES, AND IN-KIND DONATIONS FROM ANY PUBLIC OR PRIVATE ENTITY FOR ANY DIRECT OR INDIRECT COSTS ASSOCIATED WITH THE DUTIES AND FUNCTIONS OF THE TASK FORCE SET FORTH IN THIS ARTICLE.

(2) THE TASK FORCE SHALL, NO LATER THAN AUGUST 1, 2006, IDENTIFY ALL FUNDING SOURCES DESCRIBED IN SUBSECTION (1) OF THIS SECTION THAT THE TASK FORCE INTENDS TO UTILIZE FOR ITS OPERATION THROUGH AUGUST 1, 2008.

(3) SUBJECT TO AVAILABLE MONEYS, THE TASK FORCE MAY APPROVE GRANTS TO RECIPIENTS. IN SELECTING GRANT RECIPIENTS, THE TASK FORCE, TO THE EXTENT POSSIBLE, SHALL ENSURE THAT GRANTS ARE AWARDED TO LAW ENFORCEMENT AGENCIES OR OTHER APPLICANTS IN A VARIETY OF GEOGRAPHIC AREAS OF THE STATE.

**18-18.5-105. Cash fund - created.** (1) (a) ALL PRIVATE AND PUBLIC FUNDS RECEIVED BY THE TASK FORCE OR THE DIVISION OF CRIMINAL JUSTICE IN THE DEPARTMENT OF PUBLIC SAFETY, ON BEHALF OF THE TASK FORCE, THROUGH GRANTS, CONTRIBUTIONS, AND DONATIONS PURSUANT TO THIS ARTICLE SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE METHAMPHETAMINE ABUSE PREVENTION, INTERVENTION, AND TREATMENT CASH FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE. ALL MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JULY 1, 2012, SHALL BE TRANSFERRED TO THE GENERAL FUND.

(b) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE TASK FORCE AND THE DIVISION OF CRIMINAL JUSTICE OF THE DEPARTMENT OF PUBLIC SAFETY, ON BEHALF OF THE TASK FORCE, SHALL NOT BE REQUIRED TO SOLICIT GIFTS, GRANTS, OR DONATIONS FROM ANY SOURCE AND THAT THE TASK FORCE SHALL OPERATE IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE, INDEPENDENTLY OF THE BALANCE IN THE FUND.

(2) COMPENSATION AS PROVIDED IN SECTION 18-18.5-103 (7) (b) FOR LEGISLATIVE MEMBERS OF THE TASK FORCE SHALL BE APPROVED BY THE CHAIR OF

THE LEGISLATIVE COUNCIL AND PAID BY VOUCHERS AND WARRANTS DRAWN AS PROVIDED BY LAW FROM MONEYS APPROPRIATED FOR SUCH PURPOSE AND ALLOCATED TO THE LEGISLATIVE COUNCIL FROM THE FUND.

**18-18.5-106. Repeal of article.** THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2010.

**SECTION 3.** 18-18-412.8 (1) and (2), Colorado Revised Statutes, are amended, and the said 18-18-412.8 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

**18-18-412.8. Retail sale of methamphetamine precursor drugs - unlawful acts - penalty.** (1) ~~The retail sale of methamphetamine precursor drugs by a store to a purchaser shall be limited to sales in blister packs with each blister to contain not more than two dosage units or, when the use of blister packs is technically infeasible, sales in unit dose packets or pouches.~~

(2) (a) A person may not KNOWINGLY deliver ~~in a single retail sale~~ in or from a store TO THE SAME INDIVIDUAL DURING ANY TWENTY-FOUR-HOUR PERIOD more than ~~three packages~~ THREE AND SIX-TENTHS GRAMS of a methamphetamine precursor drug or a combination of two or more methamphetamine precursor drugs.

(b) A PERSON MAY NOT PURCHASE MORE THAN THREE AND SIX-TENTHS GRAMS OF A METHAMPHETAMINE PRECURSOR DRUG OR A COMBINATION OF TWO OR MORE METHAMPHETAMINE PRECURSOR DRUGS DURING ANY TWENTY-FOUR HOUR PERIOD.

(c) IT IS UNLAWFUL FOR A METHAMPHETAMINE PRECURSOR DRUG THAT IS OFFERED FOR RETAIL SALE IN OR FROM A STORE TO BE OFFERED FOR SALE OR STORED OR DISPLAYED PRIOR TO SALE IN AN AREA OF THE STORE TO WHICH THE PUBLIC IS ALLOWED ACCESS.

(2.5) (a) A PERSON MAY NOT DELIVER IN A RETAIL SALE IN OR FROM A STORE A METHAMPHETAMINE PRECURSOR DRUG TO A MINOR UNDER EIGHTEEN YEARS OF AGE.

(b) IT SHALL BE AN AFFIRMATIVE DEFENSE TO A PROSECUTION UNDER THIS SUBSECTION (2.5) THAT THE PERSON PERFORMING THE RETAIL SALE WAS PRESENTED WITH AND REASONABLY RELIED UPON A DOCUMENT THAT IDENTIFIED THE PERSON RECEIVING THE METHAMPHETAMINE PRECURSOR DRUG AS BEING EIGHTEEN YEARS OF AGE OR OLDER.

**SECTION 4.** 18-6-401 (1) (c), Colorado Revised Statutes, is amended to read:

**18-6-401. Child abuse.** (1) (c) (I) A person commits child abuse if, in the presence of a child, or on the premises where a child is found, or where a child resides, ~~the person~~ OR IN A VEHICLE CONTAINING A CHILD, THE PERSON KNOWINGLY engages in the manufacture or attempted manufacture of a controlled substance, as defined by section 18-18-102 (5), or KNOWINGLY possesses ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers, with the intent to use the product as an immediate precursor in the manufacture of a controlled substance. IT SHALL BE NO DEFENSE TO THE CRIME OF CHILD ABUSE, AS DESCRIBED IN THIS SUBPARAGRAPH (I), THAT THE DEFENDANT DID



NOT KNOW A CHILD WAS PRESENT, A CHILD COULD BE FOUND, A CHILD RESIDED ON THE PREMISES, OR THAT A VEHICLE CONTAINED A CHILD.

(II) A PARENT OR LAWFUL GUARDIAN OF A CHILD OR A PERSON HAVING THE CARE OR CUSTODY OF A CHILD WHO KNOWINGLY ALLOWS THE CHILD TO BE PRESENT AT OR RESIDE AT A PREMISES OR TO BE IN A VEHICLE WHERE THE PARENT, GUARDIAN, OR PERSON HAVING CARE OR CUSTODY OF THE CHILD KNOWS OR REASONABLY SHOULD KNOW ANOTHER PERSON IS ENGAGED IN THE MANUFACTURE OR ATTEMPTED MANUFACTURE OF METHAMPHETAMINE COMMITS CHILD ABUSE.

(III) A PARENT OR LAWFUL GUARDIAN OF A CHILD OR A PERSON HAVING THE CARE OR CUSTODY OF A CHILD WHO KNOWINGLY ALLOWS THE CHILD TO BE PRESENT AT OR RESIDE AT A PREMISES OR TO BE IN A VEHICLE WHERE THE PARENT, GUARDIAN, OR PERSON HAVING CARE OR CUSTODY OF THE CHILD KNOWS OR REASONABLY SHOULD KNOW ANOTHER PERSON POSSESSES EPHEDRINE, PSEUDOEPHEDRINE, OR PHENYLPROPANOLAMINE, OR THEIR SALTS, ISOMERS, OR SALTS OF ISOMERS, WITH THE INTENT TO USE THE PRODUCT AS AN IMMEDIATE PRECURSOR IN THE MANUFACTURE OF METHAMPHETAMINE COMMITS CHILD ABUSE.

**SECTION 5.** Part 1 of article 1 of title 17, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**17-1-153. Appropriation to comply with section 2-2-703 - HB 06-1145.**

(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. 06-1145, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY:

(a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2006, 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 EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS (\$87,194).

(b) FOR THE FISCAL YEAR BEGINNING JULY 1, 2007, 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 TWENTY-SIX THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS (\$26,813).

(c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, 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 TWENTY-SIX THOUSAND ONE HUNDRED FIFTY-EIGHT DOLLARS (\$26,158).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2008, 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 TWENTY-SIX THOUSAND EIGHT HUNDRED THIRTEEN DOLLARS (\$26,813).

(d) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, 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 FORTY-THREE THOUSAND FIVE HUNDRED NINETY-SEVEN DOLLARS (\$43,597).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2009, 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 THIRTY-FOUR THOUSAND EIGHT HUNDRED FIFTY-SEVEN DOLLARS (\$34,857).

(e) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, 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 FORTY-THREE THOUSAND FIVE HUNDRED NINETY-SEVEN DOLLARS (\$43,597).

(II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2010, 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 FORTY-EIGHT THOUSAND TWO HUNDRED SIXTY-THREE DOLLARS (\$48,263).

**SECTION 6.** The introductory portion to 24-75-302 (2) and 24-75-302 (2) (s) and (2) (u), Colorado Revised Statutes, are amended, and the said 24-75-302 (2) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, 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, ~~2008~~ 2010, 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:

(s) On July 1, 2006, twenty-two thousand nine hundred twenty-four dollars pursuant to section 3 of H.B. 02S-1006, enacted at the third extraordinary session of the sixty-third general assembly; plus two hundred ninety-one thousand seven hundred sixty-one dollars pursuant to H.B. 03-1004, enacted at the first regular session of the sixty-fourth general assembly; plus one hundred twenty-five thousand forty-one dollars pursuant to H.B. 03-1138, enacted at the first regular session of the sixty-fourth general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 03-1213, enacted at the first regular session of the sixty-fourth general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 03-1317, enacted at the first regular session of the sixty-fourth general assembly; plus ninety thousand three hundred seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth

general assembly; plus sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1016, enacted at the second regular session of the sixty-fourth general assembly; PLUS EIGHTY-SEVEN THOUSAND ONE HUNDRED NINETY-FOUR DOLLARS PURSUANT TO H.B. 06-1145, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(u) On July 1, 2008, sixty-nine thousand four hundred sixty-seven dollars pursuant to H.B. 04-1021, enacted at the second regular session of the sixty-fourth general assembly; PLUS TWENTY-SIX THOUSAND ONE HUNDRED FIFTY-EIGHT DOLLARS PURSUANT TO H.B. 06-1145, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(v) ON JULY 1, 2009, FORTY-THREE THOUSAND FIVE HUNDRED NINETY-SEVEN DOLLARS PURSUANT TO H.B. 06-1145, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY;

(w) ON JULY 1, 2010, FORTY-THREE THOUSAND FIVE HUNDRED NINETY-SEVEN DOLLARS PURSUANT TO S.B. 06-1145, ENACTED AT THE SECOND REGULAR SESSION OF THE SIXTY-FIFTH GENERAL ASSEMBLY.

**SECTION 7. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the methamphetamine abuse prevention, intervention, and treatment cash fund created in section 18-18.5-106 (1) (a), Colorado Revised Statutes, not otherwise appropriated, to the legislative department, for the fiscal year beginning July 1, 2006, the sum of three thousand eight hundred sixteen dollars (\$3,816), or so much thereof as may be necessary, for the implementation of this act.

**SECTION 8. Effective date - applicability.** This act shall take effect July 1, 2006, and shall apply to offenses committed on or after said date.

**SECTION 9. 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, 2006