

SB116_L.009

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.SB12-116 be amended as follows:

1 Amend reengrossed bill, page 2, after line 1, insert:

2 **"SECTION 1. Legislative declaration - post-enactment review**
3 **of this act.** (1) The general assembly hereby determines and declares
4 that:

5 (a) In accordance with section 2-2-1201, Colorado Revised
6 Statutes (C.R.S.), the legislative service agencies of the general assembly
7 shall conduct a post-enactment review of Senate Bill 12-116, enacted in
8 2012, and report their conclusions to the judiciary committees of the
9 house of representatives and senate, or any successor committees, and to
10 the persons described in section 2-2-1201 (3), C.R.S.;

11 (b) Notwithstanding the provisions of section 2-2-1201 (3),
12 C.R.S., the legislative service agencies of the general assembly shall
13 complete the post-enactment review of Senate Bill 12-116, enacted in
14 2012, no later than one hundred eighty days after the one-year anniversary
15 of the enactment of Senate Bill 12-116, enacted in 2012;

16 (c) Notwithstanding the provisions of section 2-2-1201 (2) (a),
17 C.R.S., the review shall not make the determinations described in said
18 section 2-2-1201 (2) (a), C.R.S., but shall include the following
19 information:

20 (I) A comparison of the criminal sanctions for possession of the
21 controlled substances defined as "cathinones" at section 18-18-102 (3.5),
22 C.R.S., enacted in section 2 of this act, to the criminal sanctions for
23 possession of controlled substances, as such criminal sanctions appear in
24 title 18, C.R.S., following the 2013 regular session of the sixty-ninth
25 general assembly;

26 (II) Information indicating whether law enforcement agencies
27 within the state have made efforts since the effective date of Senate Bill
28 12-116, enacted in 2012, pursuant to the provisions of the "Colorado
29 Consumer Protection Act", article 1 of title 6, C.R.S., to bring actions
30 against manufacturers, distributors, or retailers of products containing
31 cathinones, including information regarding the type of enforcement
32 actions that have been employed, the law enforcement agency or agencies
33 involved in each such enforcement action, and the outcome of each such
34 enforcement action, to the extent that such information is available; and

35 (III) Information indicating whether any criminal cases have been
36 filed pursuant to the provisions of section 18-18-406.7 or 18-18-406.8,
37 C.R.S., enacted in section 4 of this act, including the number of such
38 cases, the jurisdiction in which each such case was filed, the nature of the



1 charges filed in each such case, and the disposition of each such case, to
2 the extent that such information is available."

3 Renumber succeeding sections accordingly.

4 Page 6, after line 13, insert:

5 "SECTION 7. In Colorado Revised Statutes, 2-2-1201, add (8)
6 as follows:

7 **2-2-1201. Accountability clauses - post-enactment review of**
8 **implementation of bills by legislative service agencies - definitions -**
9 **repeal.** (8) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THIS
10 SECTION, IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE BILL
11 12-116, ENACTED IN 2012, THE LEGISLATIVE SERVICE AGENCIES SHALL
12 NOT BE SUBJECT TO:

13 (I) THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION; OR
14 (II) THE REQUIREMENT IN SUBSECTION (3) OF THIS SECTION THAT
15 THE LEGISLATIVE SERVICE AGENCIES COMPLETE THE POST-ENACTMENT
16 REVIEW NO LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE
17 TWO-YEAR OR FIVE-YEAR ANNIVERSARY, AS APPLICABLE, OF THE
18 ENACTMENT OF SENATE BILL 12-116.

19 (b) IN CONDUCTING THE POST-ENACTMENT REVIEW OF SENATE
20 BILL 12-116, THE LEGISLATIVE SERVICE AGENCIES SHALL SUBMIT TO THE
21 MEMBERS OF THE JUDICIARY COMMITTEES OF THE HOUSE OF
22 REPRESENTATIVES AND SENATE, OR ANY SUCCESSOR COMMITTEES, AND TO
23 THE PERSONS DESCRIBED IN SUBSECTION (3) OF THIS SECTION, THE
24 FOLLOWING INFORMATION:

25 (I) A COMPARISON OF THE CRIMINAL SANCTIONS FOR POSSESSION
26 OF THE CONTROLLED SUBSTANCES DEFINED AS "CATHINONES" AT SECTION
27 18-18-102 (3.5), C.R.S., ENACTED IN SENATE BILL 12-116, ENACTED IN
28 2012, AS "CATHINONES", TO THE CRIMINAL SANCTIONS FOR POSSESSION OF
29 CONTROLLED SUBSTANCES, AS SUCH CRIMINAL SANCTIONS APPEAR WITHIN
30 TITLE 18, C.R.S., FOLLOWING THE 2013 REGULAR SESSION OF THE
31 SIXTY-NINTH GENERAL ASSEMBLY;

32 (II) INFORMATION INDICATING WHETHER LAW ENFORCEMENT
33 AGENCIES WITHIN THE STATE HAVE MADE EFFORTS SINCE THE EFFECTIVE
34 DATE OF THIS SUBSECTION (8) PURSUANT TO THE PROVISIONS OF THE
35 "COLORADO CONSUMER PROTECTION ACT", ARTICLE 1 OF TITLE 6, C.R.S.,
36 TO BRING ACTIONS AGAINST MANUFACTURERS, DISTRIBUTORS, OR
37 RETAILERS OF PRODUCTS CONTAINING CATHINONES, INCLUDING
38 INFORMATION REGARDING THE TYPE OF ENFORCEMENT ACTIONS THAT
39 HAVE BEEN EMPLOYED, THE LAW ENFORCEMENT AGENCY OR AGENCIES

1 INVOLVED IN EACH SUCH ENFORCEMENT ACTION, AND THE OUTCOME OF
2 EACH SUCH ENFORCEMENT ACTION, TO THE EXTENT THAT SUCH
3 INFORMATION IS AVAILABLE; AND

4 (III) INFORMATION INDICATING WHETHER ANY CRIMINAL CASES
5 HAVE BEEN FILED PURSUANT TO THE PROVISIONS OF SECTION 18-18-406.7
6 OR 18-18-406.8, C.R.S., ENACTED IN SENATE BILL 12-116, ENACTED IN
7 2012, INCLUDING THE NUMBER OF SUCH CASES, THE JURISDICTION IN
8 WHICH EACH SUCH CASE WAS FILED, THE NATURE OF THE CHARGES FILED
9 IN EACH SUCH CASE, AND THE DISPOSITION OF EACH SUCH CASE, TO THE
10 EXTENT THAT SUCH INFORMATION IS AVAILABLE.

11 (c) THE LEGISLATIVE SERVICE AGENCIES SHALL COMPLETE THE
12 POST-ENACTMENT REVIEW OF SENATE BILL 12-116, ENACTED IN 2012,
13 PURSUANT TO THIS SUBSECTION (8) NO LATER THAN ONE HUNDRED EIGHTY
14 DAYS AFTER THE ONE-YEAR ANNIVERSARY OF THE ENACTMENT OF THE
15 BILL.

16 (d) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE SEPTEMBER 1,
17 2013."

18 Renumber succeeding sections accordingly.

19 Page 6, after line 22, insert:

20 "SECTION 9. **Accountability.** One year after this act becomes
21 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
22 the legislative service agencies of the Colorado General Assembly shall
23 conduct a post-enactment review of the implementation of this act
24 utilizing the information contained in the legislative declaration set forth
25 in section 1 of this act, and report their conclusions to the judiciary
26 committees of the House of Representatives and Senate, or any successor
27 committees."

28 Renumber succeeding section accordingly.

29 Page 1, line 103, strike "CATHINONE." and substitute "CATHINONE, AND,
30 IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT REVIEW
31 OF THE IMPLEMENTATION OF THIS ACT.

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