

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 27, 2012
Date

Committee on Appropriations.

After consideration on the merits, the Committee recommends the following:

SB12-117 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Strike the State, Veterans & Military Affairs Committee Report, dated
2 February 27, 2012.
- 3 Amend printed bill, page 2, line 9, after "(a);" add "OR".
- 4 Page 2 of the bill, strike lines 10 through 17.
- 5 Page 2 of the bill, line 18, strike "(c)" and substitute "(b)".
- 6 Page 3 of the bill, strike lines 1 through 3 and substitute "MILLILITER IN
7 WHOLE BLOOD, IN WHICH CASE USE OF THE TERM SHALL INCORPORATE BY
8 REFERENCE".
- 9 Page 3 of the bill, strike lines 6 and 7 and substitute "(1) (d), (2) (b), (2)
10 (c), (4), and (6) (e); **repeal** (1) (c); and **add** (2) (a.3) as".
- 11 Page 3 of the bill, strike lines 22 through 27.
- 12 Page 4 of the bill, strike lines 1 through 18 and substitute:
13 "(2) (a.3) IT IS A MISDEMEANOR FOR ANY PERSON TO DRIVE A
14 MOTOR VEHICLE OR VEHICLE WHEN THE PERSON'S BLOOD CONTAINS FIVE
15 NANOGRAMS OR MORE OF DELTA 9-TETRAHYDROCANNABINOL AT THE
16 TIME OF DRIVING OR WITHIN TWO HOURS AFTER DRIVING. DURING A TRIAL,

1 IF THE STATE'S EVIDENCE RAISES THE ISSUE, OR IF A DEFENDANT PRESENTS
2 SOME CREDIBLE EVIDENCE, THAT THE DEFENDANT CONSUMED A
3 SUBSTANCE CONTAINING DELTA 9-TETRAHYDROCANNABINOL BETWEEN
4 THE TIME THAT THE DEFENDANT STOPPED DRIVING AND THE TIME THAT
5 TESTING OCCURRED, SUCH ISSUE IS AN AFFIRMATIVE DEFENSE, AND THE
6 PROSECUTION MUST ESTABLISH BEYOND A REASONABLE DOUBT THAT THE
7 MINIMUM FIVE NANOGRAMS OF DELTA 9-TETRAHYDROCANNABINOL
8 REQUIRED IN THIS PARAGRAPH (a.3) WAS REACHED AS A RESULT OF
9 CONSUMPTION BY THE DEFENDANT BEFORE THE DEFENDANT STOPPED
10 DRIVING."

11 Page 4 of the bill, line 26, strike "blood, URINE, SALIVA," and substitute
12 "blood".

13 Page 5 of the bill, strike line 3 and substitute "WITH EXCESSIVE THC
14 CONTENT".

15 Page 5 of the bill, strike lines 12 through 27.

16 Page 6 of the bill, strike lines 1 through 9.

17 Page 6 of the bill, line 10, before "(e)" insert "(6)".

18 Page 6 of the bill, line 19, strike "(2) (c); and **add** (2.5)" and substitute
19 "(2) (c)".

20 Page 7 of the bill, strike lines 10 through 27.

21 Page 8 of the bill, strike line 1.

22 Page 8 of the bill, line 3, strike "(2) (c); and **add** (2.5)" and substitute "(2)
23 (c)".

24 Page 8 of the bill, strike lines 21 through 27.

25 Page 9 of the bill, strike lines 1 through 12.

26 Page 24 of the bill, before line 6 insert:

27 **"SECTION 21. Appropriation.** (1) In addition to any other
28 appropriation, there is hereby appropriated, out of any moneys in the

1 general fund not otherwise appropriated, to the judicial department, for
2 the fiscal year beginning July 1, 2012, the sum of \$12,000 so much
3 thereof as may be necessary, for allocation to the office of the state public
4 defender for mandated costs related to the implementation of this act.

5 (2) In addition to any other appropriation, there is hereby
6 appropriated, out of any moneys in the licensing services cash fund
7 created in section 42-2-114.5 (1), Colorado Revised Statutes, not
8 otherwise appropriated, to the department of revenue, for the fiscal year
9 beginning July 1, 2012, the sum of \$16,280, or so much thereof as may
10 be necessary, to be allocated to the information technology division for
11 the purchase of computer center services related to the implementation of
12 this act.

13 (3) In addition to any other appropriation, there is hereby
14 appropriated to the governor - lieutenant governor - state planning and
15 budgeting, for the fiscal year beginning July 1, 2012, the sum of \$16,280,
16 or so much thereof as may be necessary, for allocation to the office of
17 information technology, for the provision of computer center services for
18 the department of revenue related to the implementation of this act. Said
19 sum is from reappropriated funds received from the department of
20 revenue out of the appropriation made in subsection (2) of this section."

21 Renumber succeeding section accordingly.

22 Page 1, line 102, strike "**DRUGS.**" and substitute "**DRUGS, AND, IN**
23 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**".

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