

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 10, 2011
Date

Committee on Judiciary.

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

HB11-1261 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

- 1 Amend printed bill, page 2, strike lines 14 and 15 and substitute:
 - 2 "(102.8) "TETRAHYDROCANNABINOLS" MEANS DELTA
 - 3 9-TETRAHYDROCANNIBINOL, THE MAIN PSYCHOACTIVE INGREDIENT OF
 - 4 CANNABIS."
- 5 Page 2, line 18, after "MILLILITER OF" insert "WHOLE".
- 6 Page 4, strike lines 18 through 27.
- 7 Page 5, strike lines 1 and 2.
- 8 Renumber succeeding sections accordingly.
- 9 Page 6, after line 4 insert:
 - 10 **"SECTION 6.** The introductory portion to 18-18-102 (35) (a),
 - 11 Colorado Revised Statutes, is amended to read:
 - 12 **18-18-102. Definitions.** As used in this article:
 - 13 (35) (a) "Tetrahydrocannabinols" means ~~synthetic equivalents of~~
 - 14 ~~the substances~~ DELTA 9-TETRAHYDROCANNIBINOL, NATURAL OR
 - 15 SYNTHETIC, contained in the plant, or in the resinous extractives of,
 - 16 cannabis, sp., or synthetic substances, derivatives, and their isomers with
 - 17 similar chemical structure and pharmacological activity, such as the
 - 18 following:

1 **SECTION 7.** 18-3-106 (1) (b) (II), the introductory portion to
2 18-3-106 (2) and 18-3-106 (2) (c), Colorado Revised Statutes, are
3 amended, and the said 18-3-106 is further amended BY THE ADDITION
4 OF A NEW SUBSECTION, to read:

5 **18-3-106. Vehicular homicide.** (1) (b) (II) For the purposes of
6 this subsection (1), "one or more drugs" shall mean all substances defined
7 as a drug in section 12-22-303 (13), C.R.S., and all controlled substances
8 defined in ~~section 12-22-303 (7), C.R.S.~~ SECTION 18-18-102 (5), and
9 glue-sniffing, aerosol inhalation, or the inhalation of any other toxic vapor
10 or vapors as defined in section 18-18-412.

11 (2) In any prosecution for a violation of subsection (1) of this
12 section, the amount of alcohol in the defendant's blood or breath at the
13 time of the commission of the alleged offense, or within a reasonable time
14 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~
15 ~~give~~ GIVES rise to the following presumptions OR INFERENCES:

16 (c) If there was at such time 0.08 or more grams of alcohol per
17 one hundred milliliters of blood, or if there was at such time 0.08 or more
18 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~
19 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant
20 was under the influence of alcohol.

21 (2.5) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION (1)
22 OF THIS SECTION, IF THE DEFENDANT'S THC BLOOD CONTENT, AS DEFINED
23 IN SECTION 42-1-102 (102.9), C.R.S., WAS FIVE NANOGRAMS OR MORE AT
24 THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE OR WITHIN TWO
25 HOURS THEREAFTER, AS SHOWN BY AN ANALYSIS OF THE DEFENDANT'S
26 BLOOD, SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE THAT THE
27 DEFENDANT WAS UNDER THE INFLUENCE OF DRUGS.

28 **SECTION 8.** 18-3-205 (1) (b) (II), the introductory portion to
29 18-3-205 (2), and 18-3-205 (2) (c), Colorado Revised Statutes, are
30 amended, and the said 18-3-205 is further amended BY THE ADDITION
31 OF A NEW SUBSECTION, to read:

32 **18-3-205. Vehicular assault.** (1) (b) (II) For the purposes of this
33 subsection (1), "one or more drugs" shall mean all substances defined as
34 a drug in section 12-22-303 (13), C.R.S., and all controlled substances
35 defined in ~~section 12-22-303 (7), C.R.S.~~ SECTION 18-18-102 (5), and
36 glue-sniffing, aerosol inhalation, or the inhalation of any other toxic vapor
37 or vapors as defined in section 18-18-412.

38 (2) In any prosecution for a violation of subsection (1) of this
39 section, the amount of alcohol in the defendant's blood or breath at the
40 time of the commission of the alleged offense, or within a reasonable time
41 thereafter, as shown by analysis of the defendant's blood or breath, ~~shall~~
42 ~~give~~ GIVES rise to the following presumptions OR INFERENCES:

1 (c) If there was at such time 0.08 or more grams of alcohol per
2 one hundred milliliters of blood, or if there was at such time 0.08 or more
3 grams of alcohol per two hundred ten liters of breath, ~~it shall be presumed~~
4 SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE that the defendant
5 was under the influence of alcohol.

6 (2.5) IN ANY PROSECUTION FOR A VIOLATION OF SUBSECTION (1)
7 OF THIS SECTION, IF THE DEFENDANT'S THC BLOOD CONTENT, AS DEFINED
8 IN SECTION 42-1-102 (102.9), C.R.S., WAS FIVE NANOGRAMS OR MORE AT
9 THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE OR WITHIN TWO
10 HOURS THEREAFTER, AS SHOWN BY AN ANALYSIS OF THE DEFENDANT'S
11 BLOOD, SUCH FACT GIVES RISE TO THE PERMISSIBLE INFERENCE THAT THE
12 DEFENDANT WAS UNDER THE INFLUENCE OF DRUGS."

13 Renumber succeeding section accordingly.

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