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:

<u>HB11-1261</u> be amended as follows, and as so amended, be referred to the Committee on <u>Appropriations</u> 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.".

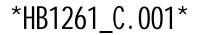
5 Page 2, line 18, after "MILLILITER OF" insert "WHOLE".

- 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:

"SECTION 6. The introductory portion to 18-18-102 (35) (a),
Colorado Revised Statutes, is amended to read:

18-18-102. Definitions. As used in this article:

(35) (a) "Tetrahydrocannabinols" means synthetic equivalents of
the substances DELTA 9-TETRAHYDROCANNIBINOL, NATURAL OR
SYNTHETIC, contained in the plant, or in the resinous extractives of,
cannabis, sp., or synthetic substances, derivatives, and their isomers with
similar chemical structure and pharmacological activity, such as the
following:



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SECTION 7. 18-3-106 (1) (b) (II), the introductory portion to
 18-3-106 (2) and 18-3-106 (2) (c), Colorado Revised Statutes, are
 amended, and the said 18-3-106 is further amended BY THE ADDITION
 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.

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

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

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

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

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

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

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