

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0314.01 Michael Dohr

HOUSE BILL 11-1029

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HOUSE SPONSORSHIP

Labuda,

SENATE SPONSORSHIP

(None),

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House Committees  
Judiciary

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING LOCATIONS AT WHICH DRUG SALES IMPLICATE THE  
102 SPECIAL OFFENDER STATUTE.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

Under current law, a person is subject to drug special offender sentencing if he or she sells drugs on or around public schools or public housing developments. The bill would add libraries and community corrections programs to the list of locations at which a conviction for drug sales is subject to drug special offender sentencing.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

2           **SECTION 1.** 18-18-407 (2), Colorado Revised Statutes, is  
3 amended to read:

4           **18-18-407. Special offender.** (2) (a) A defendant shall be a  
5 special offender if the defendant is convicted of selling, distributing,  
6 possessing with intent to distribute, manufacturing, or attempting to  
7 manufacture any controlled substance in violation of section 18-18-405  
8 either within or upon the grounds of any public or private elementary,  
9 middle, junior high, or high school, vocational school, ~~or~~ public housing  
10 development, COMMUNITY CORRECTIONS PROGRAM, OR PUBLIC LIBRARY,  
11 or within one thousand feet of the perimeter of any such school, ~~or~~ public  
12 housing development, COMMUNITY CORRECTIONS PROGRAM, OR PUBLIC  
13 LIBRARY grounds, OR on any street, alley, parkway, sidewalk, public park,  
14 playground, or other area or premises that is accessible to the public, or  
15 within any private dwelling that is accessible to the public for the purpose  
16 of the sale, distribution, use, exchange, manufacture, or attempted  
17 manufacture of controlled substances in violation of this article, or in any  
18 school vehicle, as defined in section 42-1-102 (88.5), C.R.S., while such  
19 school vehicle is engaged in the transportation of persons who are  
20 students. The court is required in addition to imposing the sentence to  
21 imprisonment in the department of corrections required by subsection (1)  
22 of this section, to fine the defendant without suspension at least twice the  
23 minimum fine provided for in section 18-1.3-401 (1) (a) (III) if the  
24 defendant's offense is a felony or in section 18-1.3-501 (1) if the  
25 defendant's offense is a misdemeanor.

26           (b) The department of education may cooperate with local boards

1 of education and the officials of public housing developments, and make  
2 recommendations regarding the uniform implementation and furnishing  
3 of notice of the provisions of this subsection (2). Such recommendations  
4 may include, but shall not be limited to, the uniform use of signs and  
5 other methods of notification which may be used to implement this  
6 subsection (2). PUBLIC LIBRARY OFFICIALS AND COMMUNITY  
7 CORRECTIONS PROGRAM OPERATORS SHALL, TO THE EXTENT POSSIBLE,  
8 FOLLOW THE RECOMMENDATIONS ADOPTED BY LOCAL BOARDS OF  
9 EDUCATION AND THE OFFICIALS OF PUBLIC HOUSING DEVELOPMENTS  
10 PURSUANT TO THIS PARAGRAPH (b) WITH RESPECT TO UNIFORM  
11 IMPLEMENTATION AND FURNISHING OF NOTICE OF THE PROVISIONS OF THIS  
12 SUBSECTION (2).

13 (c) For the purposes of this section: ~~the term,~~

14 (I) "COMMUNITY CORRECTIONS PROGRAM" SHALL HAVE THE SAME  
15 MEANING AS SET FORTH IN SECTION 17-27-102 (3), C.R.S.

16 (II) "Public housing development" means any low-income housing  
17 project of any state, county, municipal, or other governmental entity or  
18 public body owned and operated by a public housing authority that has an  
19 on-site manager. "Public housing development" shall not include  
20 single-family dispersed housing or small or large clusters of dispersed  
21 housing having no on-site manager.

22 (III) "PUBLIC LIBRARY" SHALL HAVE THE SAME MEANING AS SET  
23 FORTH IN SECTION 24-90-103 (13), C.R.S.

24 **SECTION 2. Act subject to petition - effective date.** This act  
25 shall take effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part shall not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2012 and shall take effect on the date of the official  
6 declaration of the vote thereon by the governor.