

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

\_\_\_\_\_  
Date

March 26, 2014

Committee on Judiciary.

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

SB14-163 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation and with a recommendation that it be placed on the consent calendar:

1 Amend printed bill, page 6, line 24, strike "14-\_\_\_\_," and substitute  
2 "14-163,".

3 Page 8, strike lines 23 and 24 and substitute "A MISDEMEANOR OFFENSE,  
4 AS DESCRIBED IN ARTICLE 18 OF THIS TITLE, originally charged as a ~~drug~~  
5 felony DRUG offense, AS DESCRIBED IN ARTICLE 18 OF THIS TITLE.".

6 Page 20, after line 18 insert:

7 "SECTION 23. In Colorado Revised Statutes, 16-5-301, **amend**  
8 (1) (b) (I) as follows:

9 **16-5-301. Preliminary hearing or waiver - dispositional**  
10 **hearing.** (1) (b) (I) No person accused of a class 4, 5, or 6 felony OR  
11 LEVEL 3 OR LEVEL 4 DRUG FELONY by direct information or felony  
12 complaint, except those which require mandatory sentencing or which are  
13 crimes of violence as defined in section 18-1.3-406, C.R.S., or which are  
14 sexual offenses under part 4 of article 3 of title 18, C.R.S., shall have the  
15 right to demand or receive a preliminary hearing; except that such person  
16 shall participate in a dispositional hearing for the purposes of case  
17 evaluation and potential resolution.

18 **SECTION 24.** In Colorado Revised Statutes, 18-18-406.5,  
19 **amend** (1) and (2) as follows:

20 **18-18-406.5. Unlawful use of marijuana in a detention facility.**  
21 (1) A person confined in a detention facility in this state who possesses  
22 or uses ~~up to eight ounces~~ of marijuana commits a level 1 drug  
23 misdemeanor.

1           (2) ~~Any person confined in any detention facility in this state who~~  
2 ~~possesses or uses eight ounces or more of marijuana shall be subject to~~  
3 ~~the provisions of section 18-18-406 (4) (b):".~~

4    Renumber succeeding sections accordingly.

5    Page 20, line 20, strike "and 22" and substitute "22, 23, and 24".

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