

First Regular Session
Sixty-third General Assembly
STATE OF COLORADO

PREAMENDED

LLS NO. 01-0007.01 Jerry Barry

HOUSE BILL 01-1036

HOUSE SPONSORSHIP

Decker

SENATE SPONSORSHIP

Evans

House Committees

Criminal Justice
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A PROHIBITION ON THE POSSESSION OF CERTAIN
102 SUBSTANCES USED TO MANUFACTURE CONTROLLED SUBSTANCES,
103 AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates a class 4 felony for the possession of ephedrine, pseudoephedrine, or phenylpropanolamine or their salts, isomers, or salts with the intent to use the product as a precursor to any controlled substance.

Makes a 5-year appropriation.

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.

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

2 **SECTION 1.** Part 4 of article 18 of title 18, Colorado Revised
3 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

4 **18-18-412.5. Unlawful possession of materials to make**
5 **methamphetamine and amphetamine - penalty.** (1) THE GENERAL
6 ASSEMBLY FINDS AND DECLARES THAT PERSONS ARE MANUFACTURING
7 METHAMPHETAMINE AND AMPHETAMINE USING NONPRESCRIPTION DRUGS
8 THAT ARE READILY AND LEGALLY AVAILABLE. THE GENERAL ASSEMBLY
9 FURTHER FINDS THAT IT IS NECESSARY TO MAKE ILLEGAL THE POSSESSION
10 OF SUCH NONPRESCRIPTION DRUGS WITH THE INTENT TO USE THE PRODUCT
11 AS AN IMMEDIATE PRECURSOR TO ANY CONTROLLED SUBSTANCE.

12 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
13 CONTRARY, NO PERSON SHALL POSSESS EPHEDRINE, PSEUDOEPHEDRINE, OR
14 PHENYLPROPANOLAMINE OR THEIR SALTS, ISOMERS, OR SALTS OF ISOMERS
15 WITH THE INTENT TO USE THE PRODUCT AS AN IMMEDIATE PRECURSOR TO
16 ANY CONTROLLED SUBSTANCE.

17 (3) A PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION
18 COMMITS A CLASS 4 FELONY.

19 **SECTION 2.** Part 1 of article 1 of title 17, Colorado Revised
20 Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

21 **17-1-133. Appropriation to comply with section 2-2-703 - HB**
22 **01-1036.** (1) PURSUANT TO SECTION 2-2-703, C.R.S., THE FOLLOWING
23 STATUTORY APPROPRIATIONS, OR SO MUCH THEREOF AS MAY BE
24 NECESSARY, ARE MADE IN ORDER TO IMPLEMENT H.B. 01-____, ENACTED
25 AT THE FIRST REGULAR SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY:

26 (a) FOR THE FISCAL YEAR BEGINNING JULY 1, 2001, IN ADDITION TO
27 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED FROM THE

1 CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S., TO
2 THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION
3 17-1-116, THE SUM OF _____ DOLLARS (\$).

4 (b) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION
5 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
6 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S.,
7 TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION
8 17-1-116, THE SUM OF _____ DOLLARS (\$).

9 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, IN ADDITION TO
10 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
11 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
12 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

13 (c) (I) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION
14 TO ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED, FROM
15 THE CAPITAL CONSTRUCTION FUND CREATED IN SECTION 24-75-302, C.R.S.,
16 TO THE CORRECTIONS EXPANSION RESERVE FUND CREATED IN SECTION
17 17-1-116, THE SUM OF _____ DOLLARS (\$).

18 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, IN ADDITION TO
19 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
20 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
21 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

22 (d) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, IN ADDITION TO
23 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE
24 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
25 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

26 (e) FOR THE FISCAL YEAR BEGINNING JULY 1, 2005, IN ADDITION TO
27 ANY OTHER APPROPRIATION, THERE IS HEREBY APPROPRIATED TO THE

1 DEPARTMENT OF CORRECTIONS, OUT OF ANY MONEYS IN THE GENERAL
2 FUND NOT OTHERWISE APPROPRIATED, THE SUM OF _____ DOLLARS (\$).

3 **SECTION 3.** 24-75-302 (2) (n), (2) (o), and (2) (p), Colorado
4 Revised Statutes, are amended to read:

5 **24-75-302. Capital construction fund - capital assessment fees**

6 **- calculation.** (2) As of July 1, 1988, and July 1 of each year thereafter
7 through July 1, 2005, a sum as specified in this subsection (2) shall accrue
8 to the capital construction fund. The state treasurer and the controller
9 shall transfer such sum out of the general fund and into the capital
10 construction fund as moneys become available in the general fund during
11 the fiscal year beginning on said July 1. Transfers between funds
12 pursuant to this subsection (2) shall not be deemed to be appropriations
13 subject to the limitations of section 24-75-201.1. The amount which shall
14 accrue pursuant to this subsection (2) shall be as follows:

15 (n) On July 1, 2001, one hundred million dollars, plus one hundred
16 fifty-four thousand six hundred thirty-six dollars pursuant to H.B.
17 97-1186; plus nine hundred five thousand seven hundred twenty-three
18 dollars pursuant to H.B. 97-1077, enacted at the first regular session of the
19 sixty-first general assembly; plus nine thousand eight hundred ninety
20 dollars pursuant to S.B. 98-021, enacted at the second regular session of
21 the sixty-first general assembly; plus three hundred forty-nine thousand
22 fifty-five dollars pursuant to H.B. 98-1160, enacted at the second regular
23 session of the sixty-first general assembly; plus three hundred twenty-six
24 thousand thirty-two dollars pursuant to H.B. 00-1107, enacted at the
25 second regular session of the sixty-second general assembly; plus
26 ninety-seven thousand two hundred fifty-four dollars pursuant to H.B.
27 00-1111, enacted at the second regular session of the sixty-second general

1 assembly; plus two hundred ninety-one thousand seven hundred sixty-one
2 dollars pursuant to H.B. 00-1158, enacted at the second regular session of
3 the sixty-second general assembly; plus one million one hundred sixteen
4 thousand nine hundred seventy-one dollars pursuant to H.B. 00-1201,
5 enacted at the second regular session of the sixty-second general
6 assembly; plus four hundred sixteen thousand eight hundred two dollars
7 pursuant to H.B. 00-1214, enacted at the second regular session of the
8 sixty-second general assembly; plus sixty-nine thousand four hundred
9 sixty-seven dollars pursuant to H.B. 00-1247, enacted at the second
10 regular session of the sixty-second general assembly; PLUS _____
11 DOLLARS PURSUANT TO H.B. 01-1036, ENACTED AT THE FIRST REGULAR
12 SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

13 (o) On July 1, 2002, one hundred million dollars plus thirteen
14 thousand nine hundred sixty-two dollars pursuant to S.B. 98-021, enacted
15 at the second regular session of the sixty-first general assembly; plus eight
16 million three hundred seven thousand five hundred nine dollars pursuant
17 to H.B. 98-1156, enacted at the second regular session of the sixty-first
18 general assembly; plus three hundred ninety-seven thousand nine hundred
19 twenty-three dollars pursuant to H.B. 98-1160, enacted at the second
20 regular session of the sixty-first general assembly; plus fifty thousand
21 three hundred sixty-four dollars pursuant to H.B. 00-1107, enacted at the
22 second regular session of the sixty-second general assembly; plus one
23 hundred twenty-one thousand five hundred sixty-seven dollars pursuant
24 to H.B. 00-1201, enacted at the second regular session of the sixty-second
25 general assembly; plus two hundred fifty thousand eighty-one dollars
26 pursuant to H.B. 00-1214, enacted at the second regular session of the
27 sixty-second general assembly; plus forty thousand five hundred

1 twenty-two dollars pursuant to H.B. 00-1247, enacted at the second
2 regular session of the sixty-second general assembly; PLUS_____
3 DOLLARS PURSUANT TO H.B. 01-1036, ENACTED AT THE FIRST REGULAR
4 SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

5 (p) On July 1, 2003, one hundred million dollars; PLUS_____
6 DOLLARS PURSUANT TO H.B. 01-1036, ENACTED AT THE FIRST REGULAR
7 SESSION OF THE SIXTY-THIRD GENERAL ASSEMBLY;

8 **SECTION 4. Effective date - applicability.** This act shall take
9 effect July 1, 2001, and shall apply to offenses committed on or after said
10 date.

11 **SECTION 5. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety.