



**FY2010 RECOMMENDATION/FY10-D16 CONTROLLED SUBSTANCES:  
POSSESSION**

**Status:** Implementation Complete

**Actions/Updates**

**2013 UPDATE**

Reports regarding the impacts of House Bill 2010-1352 were completed between 2012 and 2013 by the Division of Criminal Justice, Office of Research and Statistics (These reports are available at [ors.colorado.gov/ors-reports](http://ors.colorado.gov/ors-reports).)

**2012 ACTION/IMPLEMENTATION**

This recommendation was implemented with the passing of HB 10-1352.

**Description**

Possession of four grams or less of any Schedule I or II substance shall be a class 6 felony, except for possession of methamphetamine. Possession of two grams or less of methamphetamine shall be a class 6 felony.

**Agencies Responsible**

**Discussion**

*Sentencing laws should differentiate between individuals who use or possess controlled substances for personal use and those who are engaged in distribution or manufacture. In 2003, the Colorado General Assembly reduced the penalty for possession of small amounts of controlled substances to a class 6 felony. The amount, one gram or less, may have been selected arbitrarily. After reviewing medical and drug trade research, and obtaining local anecdotal information from interviews (see footnote), the Commission agreed that four grams of Schedule I and Schedule II controlled substances was a common maximum quantity consistent with possession for personal use. Because methamphetamine use poses a significant health and safety risk, the Commission established a maximum of two grams as the threshold of possession for personal use of this drug.*

**Footnotes**

*Note: Interview data were obtained from former drug sellers and an experienced multijurisdictional drug enforcement task force officer.*