



**FY2010 RECOMMENDATION/FY10-D20 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.)

2012 ACTION/IMPLEMENTATION

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

Description

Use of a controlled substance shall be a class 2 misdemeanor regardless of substance used. This modification eliminates the provisions of the “use” statute allowing a court to dismiss the case upon completion of treatment, but maintains the ability of a defendant to receive a deferred judgment or deferred prosecution upon recommendation of the prosecutor.

Agencies Responsible

Discussion

Research demonstrates that individuals with a felony record have reduced employment and earning potential, and that this burden can last a lifetime. Court sanctions should expand non-felony sentencing options for first-time offenders who are charged with drug possession, thereby increasing offenders’ ability to maintain or obtain employment.*

Footnotes

*Blumstein, A., & Nakamura, K. (2009). *Redemption in the presence of widespread criminal background checks*. *Criminology* 47; Holzer, H.J., Raphael, S., & Stoll, M.A. (2006). *Perceived criminality, criminal Background checks, and the racial hiring practices of employers*. *Journal of Law and Economics* 49, 451-480; Kurlychek, M.C., Brame, R., & Bushway, S. (2006). *Scarlet letters and recidivism: Does an old criminal record predict future offending?* *Criminology & Public Policy*, 5, 483-504; Kurlychek, M.C., Brame, R., & Bushway, S. (2007). *Enduring Risk? Old criminal records and predictions of future criminal involvement*. *Crime & Delinquency*, 53, 64-83. Also see Przybylski, R. (2009). *Correctional and sentencing reform for drug offenders:*

Research findings on selected key issues. Available at
http://www.ccjrc.org/pdf/Correctional_and_Sentencing_Reform_for_Drug_Offenders.pdf