



**FY2010 RECOMMENDATION/FY10-D25 CONTROLLED SUBSTANCES:
DISTRIBUTION AND POSSESSION WITH INTENT TO DISTRIBUTE**

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

Amend and clarify subsection (1)(f) related to deadly weapons to provide that the special offender provision applies as follows.

Agencies Responsible

Discussion

Current provisions only require that the defendant "used, possessed or had available for use a deadly weapon." This can be subject to broad interpretations which can lead to prosecutions in cases where the weapon was separated from the actual drug transaction by both distance and circumstance. The recommendation is intended to keep the focus of the crime narrow by allowing the enhanced provisions when the defendant actually used a deadly weapon or where a firearm was immediately available, even if it was not on the offender's person or in his or her immediate presence.