



## **FY2010 RECOMMENDATION/FY10-D40 CONTROLLED SUBSTANCES: FURTHER RECOMMENDATIONS**

**Status:** Implementation Complete

### **Actions/Updates**

#### **2012 ACTION/IMPLEMENTATION**

This recommendation was implemented with the passage of HB 10-1338.

#### **Description**

Modify C.R.S. 18-1.3-201(2) to remove the mandatory application of the two prior felony probation exclusion rule to drug cases, consistent with Recommendation FY10-S3.

#### **Agencies Responsible**

#### **Discussion**

*The significant change here is the elimination of second and subsequent offense penalties. These currently result in a significant increase in the available penalty, especially for those still on probation or parole. For example, possession of more than a gram of Schedule II drugs like cocaine and methamphetamine increase from a class 4 felony, penalty 2-6 years (4-12 for those on probation or parole) to a class 2 felony, penalty 8-24 years (16-48 for those on probation or parole). Recognizing that relapse is a part of addiction recovery, the recommendations acknowledge that such increases in penalty for those whose only crime is possession of drugs neither advances public safety nor accommodates the goal of deterring future behavior. The changes introduced by this recommendation may yield significant savings.*