

COLORADO DIVISION OF CRIMINAL JUSTICE

HB10-1352 Savings Analysis Report: Review of Analysis Methodology

Pursuant to 24-33.5-503(1)(u), C.R.S.

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January 15, 2011

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ACKNOWLEDGEMENTS

We would like to thank the following individuals who contributed data for this report and provided invaluable assistance in its analysis: Eileen Kinney, Ken Tomlinson, and Jessica Zender at the Judicial Branch; Bonnie Barr at the Department of Corrections; Carl Blesch at the Division of Criminal Justice; Doug Tracey at the Office of the State Public Defender; and Judge Mary Celeste, Mike McConville, and Kris Griffin at the Denver County Court. In particular we would like to thank Ken, Doug, and Linda Harrison from the Office of Research and Statistics for their helpful guidance in developing this methodology. Despite this assistance, we alone are responsible for any errors or omissions.

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January 2011

PREFACE

Due to the short span of time since the August 2010 effective date of House Bill 10-1352, the focus of this report is the methodology—the mathematical model and data—that will be used in the future to analyze the impact of the bill. Preliminary cost findings are presented here, however, these findings are based on a very small, unrepresentative sample of cases. For this reason, the findings should be interpreted with caution and should not be annualized. The Office of Research and Statistics has worked closely with our colleagues in the Division of Probation Services, the Department of Corrections, the Denver County Court, and The Office of the State Public Defender to devise a mathematical model that quantifies the effects of the bill. We welcome feedback and suggestions on the model and the report.

EXECUTIVE SUMMARY

Introduction

In May 2010 the Colorado General Assembly passed House Bill 10-1352 which substantially altered Article 18, Title 18 concerning Uniform Controlled Substances. These modifications are described in detail in this report. HB 10-1352 lowered the penalties for drug use and possession and directs expected savings to the Drug Offender Treatment fund for substance abuse treatment of offenders. HB 10-1352 also directs the Division of Criminal Justice (DCJ) to report annually on the savings generated by this bill (24-33.5-503(u), C.R.S.). This is the first report since the bill was signed into law.

The statutory changes went into effect on August 11, 2010. This report describes the methodology used to analyze any savings and presents preliminary findings from an examination of the first 10 weeks following the bill's effective date.

Methodology

Mandate. HB 10-1352 mandated that DCJ determine the fiscal impact of modifications to penalties for controlled substances on the following:

1. Sentencing placements,
2. The caseload of the Office of the State Public Defender, and
3. The Drug Offender Surcharge.

Data. This report presents preliminary findings based on a limited sample of offenders. To be included in this analysis, an offender had to be arrested on or after August 11, and charged, convicted and sentenced for illegal use or possession of controlled substances on or before October 31, 2010. Cases meeting these same criteria in 2009 were used as the comparison group to estimate the impact of HB 10-1352. Because it is unusual for cases to be resolved within 10 weeks, these findings must be interpreted with caution.

Sentence data (charges, conviction, placement, sentence duration, and dates) were obtained from the Judicial Branch and Denver County Court. Placement dates and time served information were obtained from the Office of Community Corrections in the Division of Criminal Justice and the Department of Corrections (DOC). Caseload data were obtained from the Office of the State Public Defender. These data, plus placement daily costs were used to develop a mathematical model for tracking individual cases as they progressed through the justice system. Ten weeks of data from August 11-October 31, in 2009 (pre-1352) and 2010 (post-1352) allowed for the comparison of 184 offenders in 2009, and 207 offenders in 2010. ***Note that the information analyzed on these cases should not be generalized to a 12 month period because it is unusual for cases to go from crime commission to sentencing in only 10 weeks. Further, this report presents costs associated with sentence placements served during the study period only; reductions in time served are unknown at this time and will be presented in future reports.***

Findings

Savings Analysis

Savings are generated in two ways: (1) some individuals will be sentenced to less expensive placements (probation rather than prison, for example), and (2) some sentences will be shorter. HB 10-1352 calls for the identification of actual savings, so only those savings actually generated due to placement differences during the first 10 weeks of implementation are presented here. For a variety of reasons discussed below it is difficult to precisely determine the savings generated by HB 10-1352. In an effort to do so, post-1352 costs will be compared to what sentence placement costs would have been had HB 10-1352 not passed.

Sentence Placements

Based on 184 2009 cases and 207 2010 cases analyzed during the first ten weeks of implementation (between August 11 and October 31, 2010) the state realized a \$7,524 savings in sentence placements (see Table 1). This savings resulted in large part by fewer sentences to the Juvenile Diversion and Division of Youth Corrections (DYC) for marijuana offenses. However when jail sentences were included, the costs *increased* from 2009 to 2010 by \$22,386. Total cost is calculated by multiplying the number of offenders in the placement by the cost per placement per day. Appendix A contains sentence placement costs used in this study. Jail costs for all jurisdictions were not available therefore the daily rate at which the DOC reimburses counties for prisoners being held is used (\$50.44). This amount underestimates the cost for metropolitan counties. For example, Jefferson County's daily cost is \$62¹ and Arapahoe County ranges from \$68 to \$70 per day².

Note that the savings reported here are the actual savings based on the sentence placement and time served during the first 10 weeks of implementation. Savings generated by reductions in the sentence length are incomplete at this time and will be analyzed in future reports.

¹ Grayson Robinson, Arapahoe County Sheriff (personal communication with the author, January 12, 2011).

² Chief Patsy Mundell, Detention Services, Jefferson County Sheriff's Office (personal communication with the author, December 14, 2010).

Table 1. HB 10-1352 pre- and post-1352 sentence costs: 10 week period (N=391)

Sentence placement	2009 (184)	2010 (207)	Difference
Probation/Deferred (adults & juveniles)	\$13,684	\$18,965	+\$5,281
Dept of Corrections	\$10,897	\$11,074	+\$177
Dept of Youth Corrections	\$9,261	\$0	-\$9,261
Juvenile Detention	\$3,824	\$0	-\$3,824
Adult Intensive Supervision	\$147	\$249	+\$102
Total cost	\$37,812	\$30,288	-\$7,525
Jail*	\$45,093	\$75,004	+\$29,911
Total cost	\$82,906	\$105,292	+\$22,386

Source: Judicial Branch and Denver County court records, Department of Corrections inmate records, and DCJ's Community Corrections billing data.

*Jail costs reflect the Department of Corrections reimbursement rate.

These sentencing results, based on very few cases, should be viewed with caution for the following reasons:

- It is unlikely that these cases are representative of the population of cases affected by HB 10-1352 because it is unusual for a case to move from committing a crime to disposition in only 10 weeks.
- It is difficult to quantify cost differences caused by HB 10-1352 alone. Criminal filings have been decreasing for several years.
- HB 10-1352 reduced penalties associated with certain felony and misdemeanor classifications, but sentence ranges overlap across crime classifications. For example, the presumptive range for a Class 6 felony is 1 year to 18 months and the range for Class 5 felony is 1 to 3 years. (see Appendix B).
- Sentencing is influenced by a variety of factors such as aggravating and mitigating circumstances, criminal history, and plea bargaining. Differences documented post-1352 may not be due entirely to reductions in controlled substance use and possession laws.
- Most offenders are charged with multiple crimes, and disaggregating the impact of HB 10-1352 alone is not possible.
- Sentences are modified over time. For example, probation can be revoked and reinstated or a jail term added.
- Offenders may have multiple open cases and may receive concurrent sentences.
- Despite efforts to improve records management systems, data errors or omissions affect the accuracy of the model. Additionally, records from the 2010 timeframe may have been modified after the data extract was performed for this study.

In future reports, the number of cases analyzed will be significantly greater and the results can be interpreted with greater confidence.

Office of the State Public Defender

In the first 10 weeks after the effective date of HB 10-1352 there were 43 fewer cases for the Office of the State Public Defender (OSPD). However, according to OSPD officials, this decrease is the result of normal caseload fluctuation since HB 10-1352 did not decriminalize drug crimes. OSPD identifies the crime classification of the most serious charge to quantify workload demands. The majority of cases examined had multiple charges so that even when a HB 10-1352 charge was not the most serious, there were still other charges that required the work of a public defender. More information will be available on the impact of HB 10-1352 on OSPD as the time period of study is expanded.

Drug Offender Surcharge

HB 10-1352 increased Drug Offender Surcharge fees for Petty Offenses through Felony 4 classifications. There were 229 offenders in the pre-HB 10-1352 period and 245 offenders in the post-HB 10-1352 period that were assessed a Drug Offender Surcharge. The sum assessed (not collected) by the Drug Offender Surcharge increased by \$75,815, from \$125,825 to \$201,640. Some portion of the assessed fees are collected. This information will be available in future reports.

INTRODUCTION

In May 2010 the Colorado General Assembly passed House Bill 10-1352 which substantially altered Article 18, Title 18 concerning Uniform Controlled Substances. The intent of HB 10-1352 as specified in its legislative declaration was to generate savings from reduced crime classifications and direct those savings into substance abuse treatment. HB 10-1352 creates a distinction between drug use and possession, and the crimes of manufacturing and distribution. Specifically, the bill lowers penalties for use and possession crimes, and directs expected savings to the Drug Offender Treatment fund. HB 10-1352 also directs the Division of Criminal Justice (DCJ) to report annually on the savings generated by HB 10-1352 (24-33.5-503(u), C.R.S.). This is the first report since the bill was signed into law.

The bill went into effect on August 11, 2010. This report describes the methodology used to analyze any savings and presents preliminary findings from an examination of the first 10 weeks following the bill's enactment.

METHODOLOGY

Mandate. HB 10-1352 directs DCJ to determine the fiscal impact of modifications to penalties for controlled substances on the following:

1. Sentencing placements,
2. The caseload of the Office of the State Public Defender, and
3. The Drug Offender Surcharge.

Costs. Offender cost is driven by the sentence placement combined with sentence length. For this analysis, a mathematical model details, for each offender affected by HB 10-1352, the placement, duration of each placement, and associated costs. Note that the costs of sentences are truncated in this preliminary analysis because the bulk of most sentences fall outside the 10-week study period. That is, most sentences imposed in this analysis will be served in the future, after the 10 week study period.

Data. To be included in this analysis, an individual had to commit the crime on or after August 11, and be charged, convicted and sentenced for illegal use or possession of controlled substances on or before October 31, 2010. Cases meeting these specifications in 2009 were used as the comparison group to estimate the impact of HB 10-1352. Because it is unusual for cases to be resolved within 10 weeks, these findings should not be generalized across 12 months, and the findings presented here must be considered preliminary and interpreted with caution.

Data were provided by the Colorado Judicial Branch (statewide felony and misdemeanor cases; Denver County misdemeanors excluded) and Denver County Court (misdemeanors) to identify cases where the most serious charge was one affected by HB 10-1352. Sentence data included charges, conviction, placement, sentence length, and dates. Additional information on placement dates and time served was obtained from the Office of Community Corrections in the Division of Criminal Justice and the Department of Corrections. Data from Department of Corrections and DCJ's Office of Community Corrections provided specific entry and termination/exit dates.

These data, plus placement daily costs, were used in the mathematical model to track individuals as they progressed through the justice system. Ten weeks of data from August 11 to October 31, in 2009 (pre-1352) and 2010 (post-1352) allowed for the comparison of 184 offenders in 2009, and 207 offenders in 2010. ***Note that the information analyzed on these cases should not be generalized to a 12 month period because it is unusual for cases to go from crime commission to sentencing in only 10 weeks. Further, this report presents costs associated with sentence placements served during the study period only; reductions in time served are unknown at this time and will be presented in future reports.***

SENTENCING PLACEMENTS

The most serious charge was determined by the highest crime classification (felony, misdemeanor, or petty offense). Offenders are often charged and convicted of multiple offenses, and the sentence given to an offender is driven by the most serious charge, among other factors.

Offenders may receive multiple initial sentence placements. For example, it is not uncommon for a sentence to include jail plus probation. Subsequent modifications to their initial sentences can also occur. For example, an offender on probation can be revoked for a violation of the conditions of supervision. Offenders may receive deferred sentences and if the conditions of the sentences are violated, the individual may be convicted and placed on probation. All sentence modifications indicated in the court records are included in the HB 10-1352 mathematical model.

As noted above, two groups of offenders were compared to determine the cost impact of HB 10-1352. Offenders had to commit the offense, get arrested, have charges filed, and get convicted and sentenced between August 11, 2009 to October 31, 2009 (comparison group) and August 11, 2010 to October 31, 2010 (study group).

For each section of Title 18, Article 18 modified by HB 10-1352, the costs for offenders sentenced pre- and post-1352 is calculated and compared. Initial charges and conviction charges are presented to show how many offenders enter the system with a controlled substance crime and, ultimately, how many are convicted of that crime. Initial sentence placements and lengths show the effects of the reduction in crime classifications and qualifying amounts. ***Offenders may receive multiple sentence placements; costs were calculated for the actual number of days served during the 10 week time period.***

Sentence projections were also developed to estimate what sentences the post-1352 population would have received had HB 10-1352 not been enacted. These projections were developed by using the distribution of sentences that the pre-1352 population received, and applying them to the post-1352 population.³ These projections serve as a comparison measure to help assess the impact of HB 10-1352 since the number of offenders convicted and sentenced in the two study periods is different and hence not directly comparable.

18-18-404, C.R.S. Unlawful use of a controlled substance.

HB 10-1352 lowered the classification for use of a Schedule I or II controlled substance other than marijuana to a 2nd degree misdemeanor (M2) from a Felony 6 (F6). It also lowered the classification for use of Schedule III, IV, and V drugs to an M2 from an M1⁴.

Table 2 shows that there were 31 people who were charged (filed) with Section 404, unlawful use, offenses in 2009 and 9 charged in 2010. In 2010 more offenses were filed as M2 than as felonies. Table

³ A similar approach was used in the cost analysis for Senate Bill 03-318 undertaken by the Division of Probation Services.

⁴ See Appendix C for Controlled Substances Schedules I to V.

3 shows the number of offenders convicted of Section 404 offenses. Similarly there are more M2 conviction charges in the post-1352 period.

Table 2. HB 10-1352 section 404, unlawful use, pre- and post-1352 filing charges by crime classification: 10 week study period

Crime classification	2009	2010
F5	1	0
F6	30	2
M2	0	7
Total offenders	31	9

Source: Judicial Branch and Denver County court records.

Table 3. HB 10-1352 section 404, unlawful use, pre- and post-1352 conviction charges by crime classification: 10 week study period

Crime classification	2009	2010
F6	1	0
M1	1	0
M2	0	3
Total offenders	2	3

Source: Judicial Branch and Denver County court records.

Table 4 shows total days sentenced (initial sentences) on Section 404 conviction charges. Sentences given in both time periods included Jail and Probation/Deferred, but the post HB 10-1352 jail sentences were longer and the probation sentences were shorter. In 2009 one person received a 10-day jail sentence and the other offender received 2 years probation. In 2010 two offenders received jail terms (365 and 30 days) and the third received 1 year probation. This is a very small sample and constraints associated with the sample (discussed above) limit the generalizability of the findings so the results should be interpreted with caution.

Table 4. HB 10-1352 section 404, unlawful use, pre- and post-1352 sentence duration, initial sentence: 10 week study period

Sentence placement	2009		2010	
	# Days	%	# Days	%
Jail	10	1%	395	52%
Probation/Deferred (adults & juveniles)	730	99%	365	48%
	740	100%	760	100%

Source: Judicial Branch and Denver County court records.

Changes to Section 404, unlawful use, by HB 10-1352 did not result in a cost savings during the 10 week study period. One more offender was convicted in 2010 than in 2009 under Section 404 but Table 5 shows the actual non-jail costs are lower than costs projected using pre-1352 distributions (\$227

projected, \$149 actual). The costs increase when jail sentences are considered.⁵ Table 5 also shows actual jail costs are much higher than projected (\$1,892 projected, \$4,739 actual).

Table 5. HB 10-1352 section 404, unlawful use, pre- and post-1352 costs for sentences served: 10 week study period

Sentence placement	2009 Actual	2010 Projected*	2010 Actual	Difference 2009 and 2010 Actual
Probation/Deferred (adults & juveniles)	\$136	\$227	\$149	\$13
Total	\$136	\$227	\$149	\$13
Jail**	\$1,110	\$1,665	\$4,590	\$3,480
Total	\$1,245	\$1,892	\$4,739	\$3,493

Source: Judicial Branch and Denver County court records, Department of Corrections inmate records, Community Corrections billing data, and per day sentence placement costs listed in Appendix A.

*Projected sentence placements are calculated using pre- HB 10-1352 sentence distributions with post- HB 10-1352 cases.

**Jail costs represent the Department of Corrections reimbursement rate.

18-18-403.5, C.R.S. Unlawful possession of a controlled substance

18-18-405, C.R.S. Unlawful distribution, manufacturing, dispensing or sale.

HB 10-1352 relocates the act of possession from 18-18-405 C.R.S. to a new section numbered 403.5. In this study, data for section 403.5 is combined together with data for section 405 to enable direct comparison of costs for pre- and post-1352 timeframes.

18-18-403.5, C.R.S. Unlawful possession of a controlled substance.

HB 10-1352 created a new section as a result of removing possession offenses from Section 405. The new section made the following modifications to crime classifications for possession:

- Increased the maximum amount for possession--from 1 gram to 4 grams or less--of Ketamine, Flunitrazepam, or a Schedule I or II drug, except Methamphetamine, for the Felony Class 6 (F6) classification.
- Reduced the classification for possession of more than 4 grams of Ketamine, Flunitrazepam, or a Schedule I or II drug, except Methamphetamine to Felony Class 4 (F4). Classified two grams or less of Methamphetamine as an F6; 2 grams or more as an F4.
- Reduced the classification for possession of Schedule III, IV and V drugs except Flunitrazepam or Ketamine to an M1. Previously only Schedule V drug possession was penalized as an M1.
- Removed the increased felony class for prior convictions.

⁵ Please see Appendix B for placement costs. The HB 10-1352 mathematical model includes any subsequent modifications to the sentence that may have occurred during the study timeframe, such as probation revocation.

18-18-405, C.R.S. Unlawful distribution, manufacturing, dispensing or sale.

Modifications to Section 405 involved the following changes:

- Moved the act of possession from this section to a new section in Title 18, Article 18 numbered 403.5.
- Added distribution, manufacturing, dispensing or sale of Ketamine as an F3 or F2, depending on the offender's prior convictions.
- Added selling, dispensing or distributing a controlled substance other than marijuana to a minor if the adult is more than 2 years older as an F3 punishable by a state prison term.
- Added Ketamine to subsections 2.5 and 5 regarding prior convictions and offenses.

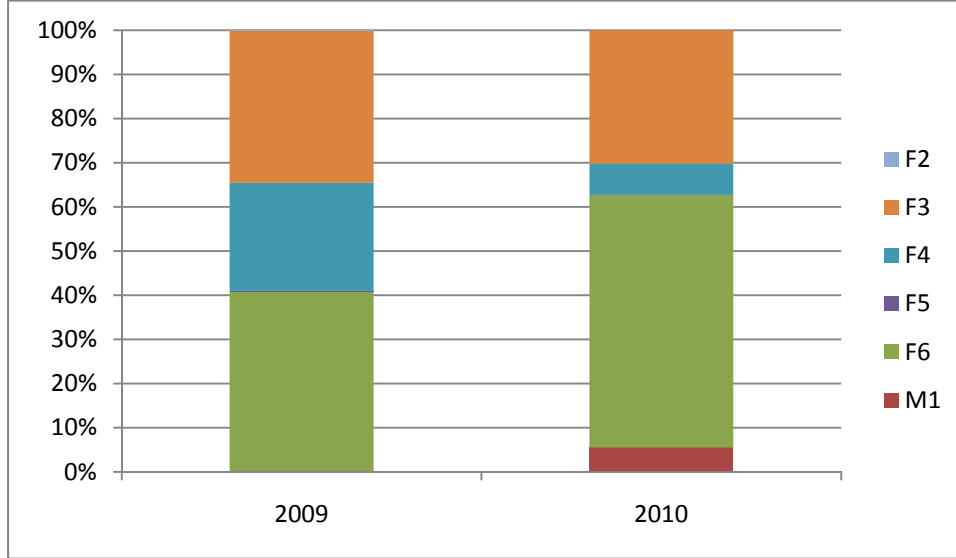
Table 6 shows that, in 2010, while only two fewer persons were charged/filed on under Sections 403.5 or 405 (1086 compared to 1084), the crime classification of the original filing charge shifts significantly towards the lower crime classification categories. Figure 1 shows the proportion of M1s and F6s increasing in the post-1352 population relative to F3s and F4s: nearly 65% of the filing charges were for F6 and M1 offenses in 2010 compared to just over 40% in 2009.

Table 6. HB 10-1352 sections 403.5 and 405 pre- and post-1352 original filing charge classification: 10 week study period

Crime classification	2009	2010
F2	1	0
F3	374	327
F4	266	77
F5	1	0
F6	444	620
M1	0	60
Total offenders	1086	1084

Source: Judicial Branch and Denver County court records.

Figure 1. HB 10-1352 sections 403.5 and 405 pre- and post-1352 original filing charge classification: 10 week study period



Source: Judicial Branch and Denver County court records.

Only 10% of those charged with 403.5 or 405 offenses during the 10 week 2009 study period were convicted of those crimes compared to 12% in 2010⁶. Still, in absolute numbers, the number of offenders convicted of a 403.5 or 405 offense increased in 2010 (133) compared to 2009 (108) (see Table 7).

Additionally, Figure 2 shows that, similar to filing charges, there was a shift to lower crime classifications in 2010 for conviction charges, reflecting the impact of HB 10-1352. In 2010, as shown in Figure 2, almost 90% of offenders convicted of Section 403.5 or 405 were convicted of F6s or lower compared to almost 75% in 2009.

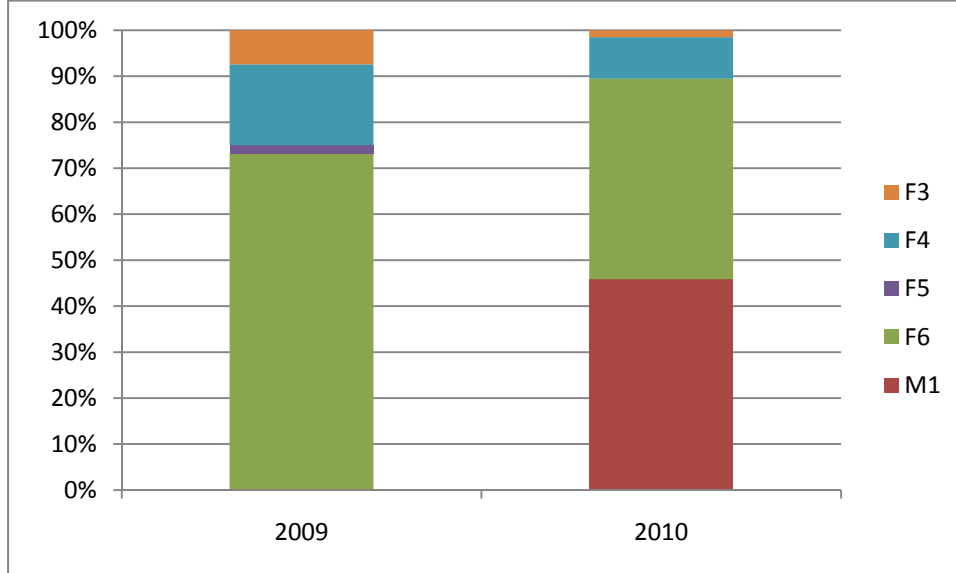
Table 7. HB 10-1352 sections 403.5 and 405 pre- and post-1352 conviction charges by crime classification: 10 week study period

Crime classification	2009	2010
F3	8	2
F4	19	12
F5	2	0
F6	79	58
M1	0	61
Total offenders	108	133

Source: Judicial Branch and Denver County court records.

⁶ Charged individuals may still have been convicted and sentenced, but these events may have occurred outside this study period.

Figure 2. HB 10-1352 sections 403.5 and 405 pre- and post-1352 conviction charge by crime classification: 10 week study period



Source: Judicial Branch and Denver County court records.

The number of offenders convicted and sentenced in 2010 increased as did the total number of days sentenced to the initial placement (see Table 8). In 2010 there is a shift of sentence placements from Department of Corrections to probation.

Table 8. Sections 403.5 and 405 pre- and post-1352 sentence lengths, initial sentence: 10 week study period

Sentence placement	2009		2010	
	# Days	%	# Days	%
Community Corrections	1,390	2%	335	0%
Dept of Corrections	10,102	12%	7,409	9%
Adult Intensive Supervision	2,555	3%	3,650	4%
Juvenile Detention	20	0%	0	0%
Probation/Deferred (adults & juveniles)	68,154	82%	72,692	84%
Jail*	642	1%	2,272	3%
Total days	82,863	100%	86,358	100%

Source: Judicial Branch and Denver County court records.

*Jail costs represent the Department of Corrections reimbursement rate.

Although 25 more offenders were convicted in 2010 than 2009, as shown in Table 7, and almost 3,500 additional days were included in the sentence lengths, the cost is only slightly higher (\$3,898) when jail placements are removed (Table 9)⁷. The difference can be attributed to the lack of Juvenile Detention sentence placements in 2010.

⁷ Costs are calculated for actual days served within the study timeframe; the bulk of most sentences will be served outside the study period.

Table 9. HB 10-1352 sections 403.5 and 405 pre- and post-1352 cost for sentences served: 10 week study period

Sentence Placement	2009 Actual	2010 Projected*	2010 Actual	Difference 2009 and 2010 Actual
Dept of Corrections	\$8,239	\$10,188	\$10,631	+\$2,392
Adult Intensive Supervision	\$147	\$496	\$249	+\$102
Juvenile Detention	\$3,441	\$4,206	\$0	-\$3,441
Probation/Deferred (adults & juveniles)	\$9,547	\$13,119	\$14,393	+\$4,846
Total	\$21,375	\$28,009	\$25,273	+\$3,898
Jail**	\$24,009	\$29,558	\$50,289	+\$26,279
Total	\$45,384	\$57,567	\$75,561	+\$30,177

Source: Judicial Branch and Denver County court records, Department of Corrections inmate records, Community Corrections billing data, and per day sentence placement costs listed in Appendix A.

*Projected sentence placements are calculated using pre-1352 sentence distributions with post-1352 cases

**Jail costs represent the Department of Corrections reimbursement rate.

18-18-406, C.R.S. Offenses relating to marijuana and marijuana concentrate

The following crime classification changes were made to offenses related to marijuana, per HB 10-1352:

- Increased the amount of marijuana to 2 ounces or less (from 1 ounce) for unlawful possession, consumption, display, or use for a 2nd Degree Petty Offense (PO2).
- Reduced the classification to an M2 from an M1 for possession of 2 to 6 ounces from 1 to 8 ounces. The F5 for prior convictions was dropped.
- Lowered the upper illegal amount of marijuana to 6 ounces but no more than 12 ounces, or 3 ounces or less of marijuana concentrate. The classification for this was lowered from F5 to M1. The F4 for prior convictions was dropped.
- Created a classification of F6 for possession of more than 12 ounces of marijuana, or 3 ounces of concentrate.
- Reduced the classification for manufacturing or selling 5 pounds or less of marijuana or concentrate to an F5; F4 for more than 5 pounds and less than 100 pounds, or one pound up to 100 pounds concentrate; F3 for more than 100 pounds.
- Raised the quantity of marijuana distributed to a minor older than 15 but under 18 years, to more than 2 ounces, but less than 5 pounds, or less than one pound of concentrate for the F4 classification; F3 for the sale of more than 5 pounds, or 1 or more pounds concentrate to a minor older than 15. If the minor is younger than 15 years old the classification was raised to F3 from F4.
- Based crime classification for cultivation on the number of plants: M1 for 6 or less plants; F5 for more than 6 plants but less than 30; F4 for more than 30 plants.

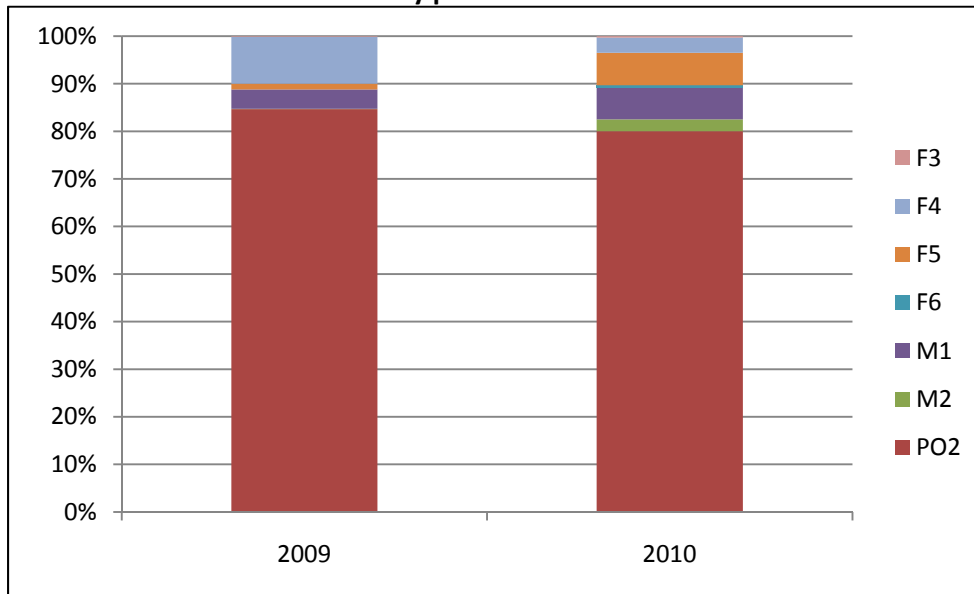
In 2010, 347 fewer individuals were charged with marijuana offenses (1663 compared to 1316, as shown in Table 10). The changes are graphically presented in Figure 3: fewer petty offenses were charged and more F5s were charged, proportionally, in 2010 than in 2009.

Table 10. HB 10-1352 section 406 pre- and post-1352, regarding marijuana offenses, initial charges by crime classification: 10 week study period

Crime classification	2009	2010
F3	2	4
F4	164	42
F5	20	90
F6	0	7
M1	68	87
M2	1	33
PO2	1408	1053
Total offenders	1663	1316

Source: Judicial Branch and Denver County court records.

Figure 3. HB 10-1352 section 406 pre- and post-1352, regarding marijuana offenses, initial charges by crime classification: 10 week study period



Source: Judicial Branch and Denver County court records

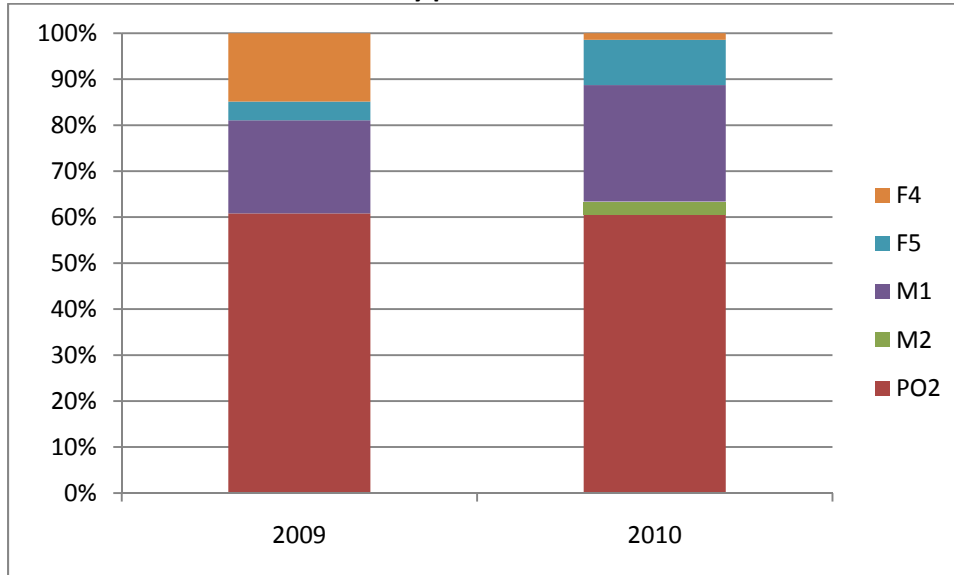
Table 11. HB 10-1352 section 406, concerning marijuana, pre- and post-1352 conviction charges by crime classification: 10 week study period

Crime classification	2009	2010
F4	11	1
F5	3	7
M1	15	18
M2	0	2
PO2	45	43
Total offenders	74	71

Source: Judicial Branch and Denver County court records.

Three fewer offenders were convicted during the 10 week study period in 2010 than in 2009 (Table 11). Figure 4 shows the downward redistribution of crime classes for their conviction charges.

Figure 4. HB 10-1352 section 406, concerning marijuana, pre-and post-1352 conviction charges by crime classification: 10 week study period



Source: Judicial Branch and Denver County court records.

As shown in Table 12, the initial sentence placements resulting from marijuana conviction charges reflect an increase of 576 days during the 10 week study period. Differences in 2010 reflect more days in adult corrections (DOC) and fewer days in youth corrections (DYC), and fewer jail days but more probation days.

Table 12. HB 10-1352 section 406, regarding marijuana, pre- and post-1352 sentence lengths, initial sentence: 10 week study period

Sentence placement	2009		2010	
	# Days	%	# Days	%
Dept of Corrections	707	4%	2,122	10%
Dept of Youth Corrections	730	4%	0	0%
Electronic Surveillance	45	0%	0	0%
Juvenile Detention	3	0%	0	0%
Probation (Denver)*	558	3%	0	0%
Probation/Deferred (adults & juveniles)	16,816	84%	17,823	87%
Jail**	1,145	6%	635	3%
Total days	20,004	100%	20,580	100%

Source: Judicial Branch and Denver County court records.

*Denver probation services are paid for by the City and County of Denver

**Jail costs represent the Department of Corrections reimbursement rate.

Table 13 shows that there was a savings of \$11,435, excluding jail sentences, for the post-1352 study period. There were fewer offenders charged and convicted under Section 406 in 2010 so a savings would

be expected. In fact, the 2010 actual non-jail savings exceeds the savings projected if these offenders had been charged under pre-1352 Section 406.

Table 13. HB 10-1352 section 406, concerning marijuana penalties, pre- and post-1352, costs of sentences served: 10 week study period

Sentence placement	2009 Actual	2010 Projected*	2010 Actual	Difference 2009 and 2010 Actual
Dept of Corrections	\$2,658	\$2,569	\$443	-\$2,215
Dept of Youth Corrections	\$9,261	\$7,456	\$0	-\$9,261
Juvenile Detention	\$382	\$382	\$0	-\$382
Probation/Deferred (adults & juveniles)	\$4,001	\$4,204	\$4,423	+\$422
Total	\$16,302	\$14,612	\$4,866	-\$11,435
Jail**	\$19,974	\$19,167	\$20,126	+\$151
Total	\$36,276	\$33,779	\$24,992	-\$11,284

Source: Judicial Branch and Denver County court records, Department of Corrections inmate records, Community Corrections billing data, and per day sentence placement costs listed in Appendix A.

* Projected sentence placements are calculated using pre-1352 sentence distributions with post-1352 cases

** Jail costs represent the Department of Corrections reimbursement rate.

18-18-407, C.R.S. Special Offender

Section 407 concerns aggravating circumstances which designate a special offender. HB 10-1352 increased the thresholds for importing Schedule I and II controlled substances to more than 4 ounces from any amount, and more than 2 ounces of methamphetamine. It also added as an aggravating circumstance the presence of a weapon within reach, and a confederate in possession of a firearm.

During the pre-1352 10 week study period, Section 407 was associated with only two convictions. In the post-1352 10 week period it was not found to be associated with any convictions or sentences.

18-18-415, C.R.S. Fraud and Deceit

HB 10-1352 changes to Section 415 reduced the classification for Fraud and Deceit to F6 from F5. The F4 for prior convictions was also dropped.

Two charges were filed under Section 415 in the pre- and post-1352 10 week study periods (Table 14). There were no offenders convicted under Section 415 during the pre- and post- periods.

Table 14. HB 10-1352 section 415, fraud and deceit, pre- and post-1352, initial charges by crime classification: 10 week study period

Crime classification	2009	2010
F4	1	1
F5	1	1
Total offenders	2	2

Source: Judicial Branch and Denver County court records.

16-13-303, C.R.S. and 16-13-503, C.R.S.

Title 16 Article 13 Section 303 addresses Class 1 public nuisances. HB 10-1352 raised the amount of marijuana to 16 ounces from 8 for the purposes of deeming property a public nuisance. Section 503 specifies which acts are subject to the Colorado Contraband and Forfeiture Act. HB 10-1352 raised the qualification amount of marijuana to 16 ounces from 8.

During the pre- and post- 10 week study periods there were no filings, convictions, or sentences found for the modified paragraphs of these sections.

OFFICE OF THE STATE PUBLIC DEFENDER

Records were obtained from the Office of the State Public Defender (OSPD) for cases opened during the 10 week analysis periods for both 2009 and 2010. The offense and case filed dates were obtained from court records and added to OSPD data to ensure that cases fell within the study period. It was not necessary that the offender be sentenced within the same timeframe since the work of the public defender begins when the case is filed.

Most offenders have multiple charges and the OSPD calculates workload using the crime classification for the most serious charge in the case. Table 15 shows the total number of cases which contained any HB 10-1352 offense, either as the most serious or as a lesser charge, during the 10 week study period. In 2010 there were 146 cases containing any HB 10-1352 charges compared with 189 in 2009. Analysts expected that HB 10-1352 would result in a decline in the number of cases with a HB 10-1352 charge as the most serious offense. But in the 2010 study period, more cases had a HB 10-1352 charge as the top charge than in 2009: 87% vs. 83%. To ascertain the effect if the law had not been passed, the pre-1352 crime classification was identified for each 2010 charge and included in the analysis.⁸ Table 15 shows that if the law had not passed, a HB 10-1352 charge would have been the top charge in 93% of the cases versus 87%.

⁸ Estimating the effect of HB 10-1352 by calculating the prior crime classification is complicated. Many of the changes in HB 10-1352 involved increases in the quantity of the drug, and this information is not available in the electronic court record or the electronic OSPD data. When multiple crime classification choices based upon drug amount were available the highest classification was used for the estimation which may overestimate the findings.

Table 15. Pre- and post-1352, public defender cases containing 1352 charges: 10 week study period

Most Serious Charge	2009	%	2010	%	2010 prior crime classification	%
Use of a Controlled Substance (Section 404)	2	1%	0	0%	1	1%
F6	2	1%	0	0%	1	1%
Possession of a Controlled Substance (Section 403.5) Distribution Manufacturing Dispensing or Sale (Section 405)	136	72%	117	80%	124	85%
F3	41	22%	37	25%	43	29%
F4	32	17%	6	4%	81	55%
F6	63	33%	71	49%	0	0%
M1	0	0%	3	2%	0	0%
Marijuana Offenses (Section 406)	19	10%	10	7%	11	7%
F4	16	8%	1	1%	9	6%
F5	3	2%	8	5%	0	0%
M1	0	0%	0	0%	2	1%
M2	0	0%	1	1%	0	0%
Non-1352 Charge	32	17%	19	13%	10	7%
F2	2	1%	0	0%	0	0%
F4	8	4%	7	5%	2	1%
F5	9	5%	5	3%	5	3%
F6	4	2%	3	2%	1	1%
M1	5	3%	2	1%	1	1%
M2	2	1%	1	1%	1	1%
M3	2	1%	1	1%		0%
Total # cases with an HB 10-1352 charge	189	100%	146	100%	146	100%

Source: Office of the State Public Defender and State Judicial Branch.

The reduction represented in Table 15 would not, alone, represent a workload savings for OSPD since the offender was still served by a public defender, just not with a HB 10-1352 charge as his/her most serious offense. In 2009 88% of the cases found in the OSPD data had more than one charge and in 2010 84% had multiple charges.

18-19-103, C.R.S. DRUG OFFENDER SURCHARGE

HB 10-1352 made the following changes to the Drug Offender Surcharge:

- Increased F4 surcharge from \$1,500 to \$2,000.
- Increased F5 surcharge from \$1,125 to \$1,500.
- Increased F6 surcharge from \$750 to \$1,250.
- Increased M1 surcharge from \$600 to \$1,000.
- Increased M2 surcharge from \$450 to \$600.
- Increased M3 surcharge from \$225 to \$300.
- Increased Petty Offenses surcharge from \$100 to \$200.

In the post -1352 timeframe 245 offenders were assessed the Drug Offender Surcharge compared with 229 in the pre-1352 period (Table 16). This resulted in an increase of \$75,815. To determine what portion of that increase was due to HB 10-1352, projected fees were calculated using the pre-1352 surcharge schedule with the post-1352 cases. Table 16 shows that had HB 10-1352 not passed, the additional 16 offenders would have increased the fund by \$9,500 instead of \$75,815 that actually was assessed. Some portion of the assessed fees are collected. This information will be available in future reports.

Table 16. Pre- and post-1352 drug offender surcharge assessed* : 10 week study period (N=474)

Crime classification	2009 (N)	2010 (N)	Difference between 2009 and 2010	Projected**	Difference between 2009 and projected
F4	\$27,000(18)	\$28,740(15)	+\$1,740	\$22,500(15)	-\$4,500
F5	\$6,375(6)	\$13,025(9)	+\$6,650	\$10,125(9)	+\$3,750
F6	\$47,150(63)	\$74,950(62)	+\$27,800	\$46,500(62)	-\$650
M1	\$37,100(64)	\$70,825(75)	+\$33,725	\$45,000(75)	+\$7,900
M2	\$600(1)	\$3,800(8)	+\$3,200	\$3,600(8)	+\$3,000
PO2	\$7,600(77)	\$10,300(76)	+\$2,700	\$7,600(76)	\$0
Total	\$125,825(229)	\$201,640(245)	+\$75,815	\$135,325(245)	+\$9,500

Source: Judicial Branch court records.

*Part of the Drug Offender Surcharge may be waived by the court if the offender is unable to pay the full amount.

**Projected surcharges are calculated using the Drug Offender Surcharge schedule that was in place prior to HB 10-1352's enactment.

SUMMARY

Insufficient time has passed since HB 10-1352's enactment to do a full year's analysis of its effects. The primary focus of this report is to present the methodology that will be used in future reports. A decrease in cost to the state from the pre-1352 period was found for sentence placements, however these results are based on a very small data set and should not be annualized. The Office of the State Public Defender did not realize a decrease in workload as a result of HB 10-1352. It is expected that a full year of data will improve the ability to see the impact of HB 10-1352 on OSPD's workload. For the Drug Offender Surcharge, higher fees mandated by HB 10-1352 resulted in an overall increase over the previous year. This increase is directly attributable to the changes enacted in HB 10-1352.

APPENDIX A: SENTENCE PLACEMENTS COST PER DAY

Sentence Placements Cost Per Day

Daily Cost of Probation

Type of supervision	FY 2010	FY 2011
Adult regular	\$3.88	\$4.37
Juvenile regular	\$4.36	\$5.10
Adult intensive supervision	\$10.56	Not available
Juvenile intensive supervision	\$14.74	Not available

Source: Division of Probation Services, State Court Administrator's Office, Colorado Judicial Department.

Daily Cost of the Colorado Department of Corrections

Type of supervision	FY 2010	FY 2011
Adult	\$88.59	Not available
YOS	\$191.19	Not available

Source: YOS: Colorado Department of Corrections, Office of Planning & Analysis, Youthful Offender System Annual Report, Fiscal Year 2009-2010.

Daily Cost of the Division of Youth Corrections Placements

Type of supervision	FY 2010	FY 2011
Detention	\$165.79	Not available
Commitment	\$ 225.87	Not available

Source: Division of Youth Corrections.

Daily Cost of community corrections FY 2010 and 2011

Service Type	Daily Cost
Condition of Parole	\$37.74
Condition of Probation	\$37.74
Day Treatment	\$33.27
Div SO 2010 Fed Grant	\$37.74 + \$33.02
Diversion IRT	\$37.74 + \$17.78
Diversion IRT - 90 Day	\$37.74 + \$17.78
Diversion IRT Assessment	\$37.74 + \$17.78
Diversion Mental Health	\$37.74 + \$33.02
Diversion Non Residential	Average \$5.12
Diversion Residential	\$37.74
Early Non Residential	\$13.50
HB10-1360 TC	\$37.74 + \$14.34
IRT Assessment	\$37.74 + \$17.78
JERP	\$37.74 + \$52.80
Pre-Residential	Average \$5.12
Short Term Diversion	\$37.74
Short Term Transition	\$37.74
TC-Diversion	\$37.74 + \$14.34
TC-Outpatient Diversion	\$13.32

TC-Outpatient Transition	\$13.32
TC-Parole	\$37.74
TC-Transition	\$37.74 + \$14.34
Trans SO 2010 Fed Grant	\$37.74 + \$33.02
Transition	\$37.74
Transition IRT	\$37.74 + \$17.78
Transition IRT Assessment	\$37.74 + \$17.78
Transition IRT-90 Day	\$37.74 + \$17.78
Transition Mental Health	\$37.74 + \$33.02

Source: Division of Criminal Justice, Office of Community Corrections.

Jail costs are reimbursed by the Department of Corrections at \$50.44 per day.

APPENDIX B: SENTENCING RANGES BY CLASSIFICATION

Sentencing Ranges by Crime Classification

FELONIES COMMITTED ON OR AFTER JULY 1, 1993					
PRESUMPTIVE RANGE			EXCEPTIONAL CIRCUMSTANCES		
CLASS	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM	MANDATORY PAROLE
1	Life Imprisonment	Death	Life Imprisonment	Death	
2	8 years \$5000 fine	24 years \$1,000,000	4 years	48 years	5 years
3	4 years \$3000	12 years \$750,000	2 years	24 years	5 years
Extraordinary Risk Crime	4 years \$3000 fine	16 years \$750,000	2 years	32 years	5 years
4	2 years \$2000 fine	6 years \$500,000	1 year	12 years	3 years
Extraordinary Risk Crime	2 years \$2000 fine	8 years \$500,000	1 year	16 years	3 years
5	1 year \$1000 fine	3 years \$100,000	6 months	6 years	2 years
Extraordinary Risk Crime	1 year \$1000 fine	4 years \$100,000	6 months	8 years	2 years
6	1 year \$1000 fine	18 months \$100,000 fine	6 months	3 years	1 year
Extraordinary Risk Crime	1 year \$1000 fine	2 years \$100,000	6 months	4 years	1 year

Source: 2009 Colorado Revised Statutes.

MISDEMEANORS COMMITTED ON OR AFTER JULY 1, 1993		
TYPE	MISDEMEANORS	
CLASS	MINIMUM	MAXIMUM
1 EXTRAORDINARY RISK CRIME	6 MONTHS \$500 FINE	18 MONTHS \$5,000 FINE
	6 MONTHS \$500 FINE	24 MONTHS \$5,000
2	3 MONTHS \$250 FINE	12 MONTHS \$1,000 FINE
3	\$50 FINE	6 MONTHS \$750 FINE

Source: 2009 Colorado Revised Statutes.

APPENDIX C: CONTROLLED SUBSTANCES

Controlled Substances

- by CSA Schedule -

SUBSTANCE	DEA NUMBER	CSA SCH	NARC	OTHER NAMES
1-(1-Phenylcyclohexyl)pyrrolidine	7458	I	N	PCPy, PHP, rolicyclidine
1-(2-Phenylethyl)-4-phenyl-4-acetoxypiperidine	9663	I	Y	PEPAP, synthetic heroin
1-[1-(2-Thienyl)cyclohexyl]piperidine	7470	I	N	TCP, tenocyclidine
1-[1-(2-Thienyl)cyclohexyl]pyrrolidine	7473	I	N	TCPy
1-Methyl-4-phenyl-4-propionoxypiperidine	9661	I	Y	MPPP, synthetic heroin
2,5-Dimethoxy-4-(n)-propylthiophenethylamine	7348	I	N	2C-T-7
2,5-Dimethoxy-4-ethylamphetamine	7399	I	N	DOET
2,5-Dimethoxyamphetamine	7396	I	N	DMA, 2,5-DMA
3,4,5-Trimethoxyamphetamine	7390	I	N	TMA
3,4-Methylenedioxyamphetamine	7400	I	N	MDA, Love Drug
3,4-Methylenedioxymethamphetamine	7405	I	N	MDMA, Ecstasy, XTC
3,4-Methylenedioxy-N-ethylamphetamine	7404	I	N	N-ethyl MDA, MDE, MDEA
3-Methylfentanyl	9813	I	Y	China White, fentanyl
3-Methylthiofentanyl	9833	I	Y	Chine White, fentanyl
4-Bromo-2,5-dimethoxyamphetamine	7391	I	N	DOB, 4-bromo-DMA
4-Bromo-2,5-dimethoxyphenethylamine	7392	I	N	2C-B, Nexus, has been sold as Ecstasy, i.e. MDMA
4-Methoxyamphetamine	7411	I	N	PMA
4-Methyl-2,5-dimethoxyamphetamine	7395	I	N	DOM, STP
4-Methylaminorex (cis isomer)	1590	I	N	U4Euh, McN-422
5-Methoxy-3,4-methylenedioxyamphetamine	7401	I	N	MMDA
5-Methoxy-N,N-diisopropyltryptamine	7439	I	N	5-MeO-DIPT
Acetorphine	9319	I	Y	
Acetyl-alpha-methylfentanyl	9815	I	Y	
Acetyldihydrocodeine	9051	I	Y	Acetylcodeine
Acetylmethadol	9601	I	Y	Methadyl acetate
Allylprodine	9602	I	Y	
Alphacetylmethadol except levo-alphacetylmethadol	9603	I	Y	
Alpha-ethyltryptamine	7249	I	N	ET, Trip
Alphameprodine	9604	I	Y	
Alphamethadol	9605	I	Y	
Alpha-methylfentanyl	9814	I	Y	China White, fentanyl
Alpha-methylthiofentanyl	9832	I	Y	China White, fentanyl
Alpha-methyltryptamine	7432	I	N	AMT

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SUBSTANCE	DEA NUMBER	CSA SCH	NARC	OTHER NAMES
Aminorex	1585	I	N	has been sold as methamphetamine
Benzethidine	9606	I	Y	
Benzylmorphine	9052	I	Y	
Betacetylmethadol	9607	I	Y	
Beta-hydroxy-3-methylfentanyl	9831	I	Y	China White, fentanyl
Beta-hydroxyfentanyl	9830	I	Y	China White, fentanyl
Betameprodine	9608	I	Y	
Betamethadol	9609	I	Y	
Betaprodine	9611	I	Y	
Bufotenine	7433	I	N	Mappine, N,N-dimethylserotonin
Cathinone	1235	I	N	Constituent of "Khat" plant
Clonitazene	9612	I	Y	
Codeine methylbromide	9070	I	Y	
Codeine-N-oxide	9053	I	Y	
Cyprenorphine	9054	I	Y	
Desomorphine	9055	I	Y	
Dextromoramide	9613	I	Y	Palfium, Jetrium, Narcolo
Diampromide	9615	I	Y	
Diethylthiambutene	9616	I	Y	
Diethyltryptamine	7434	I	N	DET
Difenoxin	9168	I	Y	Lyspafen
Dihydromorphine	9145	I	Y	
Dimenoxadol	9617	I	Y	
Dimepheptanol	9618	I	Y	
Dimethylthiambutene	9619	I	Y	
Dimethyltryptamine	7435	I	N	DMT
Dioxaphetyl butyrate	9621	I	Y	
Dipipanone	9622	I	Y	Dipipan, phenylpiperone HCl, Diconal, Wellconal
Drotebanol	9335	I	Y	Metebanyl, oxymethebanol
Ethylmethylthiambutene	9623	I	Y	
Etonitazene	9624	I	Y	
Etorphine (except HCl)	9056	I	Y	
Etoxidine	9625	I	Y	
Fenethylamine	1503	I	N	Captagon, amfetamine, ethyltheophylline amphetamine
Furethidine	9626	I	Y	
Gamma Hydroxybutyric Acid	2010	I	N	GHB, gamma hydroxybutyrate, sodium oxybate
Heroin	9200	I	Y	Diacetylmorphine, diamorphine

SUBSTANCE	DEA NUMBER	CSA SCH	NARC	OTHER NAMES
Hydromorphenol	9301	I	Y	
Hydroxypethidine	9627	I	Y	
Ibogaine	7260	I	N	Constituent of "Tabernanthe iboga" plant
Ketobemidone	9628	I	Y	Cliradon
Levomoramide	9629	I	Y	
Levophenacymorphan	9631	I	Y	
Lysergic acid diethylamide	7315	I	N	LSD, lysergide
Marihuana	7360	I	N	Cannabis, marijuana
Mecloqualone	2572	I	N	Nubarene
Mescaline	7381	I	N	Constituent of "Peyote" cacti
Methaqualone	2565	I	N	Quaalude, Parest, Somnafac, Opitimil, Mandrax
Methcathinone	1237	I	N	N-Methylcathinone, "cat"
Methyldesorphine	9302	I	Y	
Methyldihydromorphine	9304	I	Y	
Morpheridine	9632	I	Y	
Morphine methylbromide	9305	I	Y	
Morphine methylsulfonate	9306	I	Y	
Morphine-N-oxide	9307	I	Y	
Myrophine	9308	I	Y	
N,N-Dimethylamphetamine	1480	I	N	
N-Benzylpiperazine	7493	I	N	BZP, 1-benzylpiperazine
N-Ethyl-1-phenylcyclohexylamine	7455	I	N	PCE
N-Ethyl-3-piperidyl benzilate	7482	I	N	JB 323
N-Ethylamphetamine	1475	I	N	NEA
N-Hydroxy-3,4-methylenedioxyamphetamine	7402	I	N	N-hydroxy MDA
Nicocodeine	9309	I	Y	
Nicomorphine	9312	I	Y	Vilan
N-Methyl-3-piperidyl benzilate	7484	I	N	JB 336
Noracymethadol	9633	I	Y	
Norlevorphanol	9634	I	Y	
Normethadone	9635	I	Y	Phenyldimazone
Normorphine	9313	I	Y	
Norpipanone	9636	I	Y	
Para-Fluorofentanyl	9812	I	Y	China White, fentanyl
Parahexyl	7374	I	N	Synhexyl,
Peyote	7415	I	N	Cactus which contains mescaline
Phenadoxone	9637	I	Y	

Controlled Substances - by CSA Schedule

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SUBSTANCE	DEA NUMBER	CSA SCH	NARC	OTHER NAMES
Phenampromide	9638	I	Y	
Phenomorphan	9647	I	Y	
Phenoperidine	9641	I	Y	Operidine, Lealgin
Pholcodine	9314	I	Y	Copholco, Adaphol, Codisol, Lantuss, Pholcolin
Piritramide	9642	I	Y	Piridolan
Proheptazine	9643	I	Y	
Propерidine	9644	I	Y	
Propiram	9649	I	Y	Algeril
Psilocybin	7437	I	N	Constituent of "Magic mushrooms"
Psilocyn	7438	I	N	Psilocin, constituent of "Magic mushrooms"
Racemoramide	9645	I	Y	
Tetrahydrocannabinols	7370	I	N	THC, Delta-8 THC, Delta-9 THC, dronabinol and others
Thebacon	9315	I	Y	Acetylhydrocodone, Acedicon, Thebacetyl
Thiofentanyl	9835	I	Y	Chine white, fentanyl
Tilidine	9750	I	Y	Tilidate, Valoron, Kitadol, Lak, Tilsa
Trimeperidine	9646	I	Y	Promedolum
1-Phenylcyclohexylamine	7460	II	N	PCP precursor
1-Piperidinocyclohexanecarbonitrile	8603	II	N	PCC, PCP precursor
4-Anilino-N-phenethyl-4-piperidine (ANPP)	8333	II	N	ANPP
Alfentanil	9737	II	Y	Alfenta
Alphaprodine	9010	II	Y	Nisentil
Amobarbital	2125	II	N	Amytal, Tuinal
Amphetamine	1100	II	N	Dexedrine, Adderall, Obetrol
Anileridine	9020	II	Y	Leritine
Benzoylcegonine	9180	II	Y	Cocaine metabolite
Bezitramide	9800	II	Y	Burgodin
Carfentanil	9743	II	Y	Wildnil
Coca Leaves	9040	II	Y	
Cocaine	9041	II	Y	Methyl benzoylcegonine, Crack
Codeine	9050	II	Y	Morphine methyl ester, methyl morphine
Dextropropoxyphene, bulk (non-dosage forms)	9273	II	Y	Propoxyphene
Dihydrocodeine	9120	II	Y	Didrate, Parzone
Dihydroetorphine	9334	II	Y	DHE
Diphenoxylate	9170	II	Y	
Ecgonine	9180	II	Y	Cocaine precursor, in Coca leaves
Ethylmorphine	9190	II	Y	Dionin
Etorphine HCl	9059	II	Y	M 99

Controlled Substances - by CSA Schedule

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SUBSTANCE	DEA NUMBER	CSA SCH	NARC	OTHER NAMES
Fentanyl	9801	II	Y	Duragesic, Oralet, Actiq, Sublimaze, Innovar
Glutethimide	2550	II	N	Doriden, Dorimide
Hydrocodone	9193	II	Y	dihydrocodeinone
Hydromorphone	9150	II	Y	Dilaudid, dihydromorphinone
Isomethadone	9226	II	Y	Isoamidone
Levo-alphaacetylmethadol	9648	II	Y	LAAM, long acting methadone, levomethadyl acetate
Levomethorphan	9210	II	Y	
Levorphanol	9220	II	Y	Levo-Dromoran
Lisdexamfetamine	1205	II	N	Vyvanse
Meperidine	9230	II	Y	Demerol, Mepergan, pethidine
Meperidine intermediate-A	9232	II	Y	Meperidine precursor
Meperidine intermediate-B	9233	II	Y	Meperidine precursor, normeperidine
Meperidine intermediate-C	9234	II	Y	Meperidine precursor
Metazocine	9240	II	Y	
Methadone	9250	II	Y	Dolophine, Methadose, Amidone
Methadone intermediate	9254	II	Y	Methadone precursor
Methamphetamine	1105	II	N	Desoxyn, D-desoxyephedrine, ICE, Crank, Speed
Methylphenidate	1724	II	N	Concerta, Ritalin, Methylin
Metopon	9260	II	Y	
Moramide-intermediate	9802	II	Y	
Morphine	9300	II	Y	MS Contin, Roxanol, Oramorph, RMS, MSIR
Nabilone	7379	II	N	Cesamet
Opium extracts	9610	II	Y	
Opium fluid extract	9620	II	Y	
Opium poppy	9650	II	Y	Papaver somniferum
Opium tincture	9630	II	Y	Laudanum
Opium, granulated	9640	II	Y	Granulated opium
Opium, powdered	9639	II	Y	Powdered opium
Opium, raw	9600	II	Y	Raw opium, gum opium
Oripavine	9330	II	Y	
Oxycodone	9143	II	Y	OxyContin, Percocet, Endocet, Roxicodone, Roxicet,
Oxymorphone	9652	II	Y	Numorphan
Pentobarbital	2270	II	N	Nembutal
Phenazocine	9715	II	Y	Narphen, Prinadol
Phencyclidine	7471	II	N	PCP, Sernylan
Phenmetrazine	1631	II	N	Preludin
Phenylacetone	8501	II	N	P2P, phenyl-2-propanone, benzyl methyl ketone

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Piminodine	9730	II	Y	
Poppy Straw	9650	II	Y	Opium poppy capsules, poppy heads
Poppy Straw Concentrate	9670	II	Y	Concentrate of Poppy Straw, CPS
Racemethorphan	9732	II	Y	
Racemorphan	9733	II	Y	Dromoran
Remifentanil	9739	II	Y	Ultiva
Secobarbital	2315	II	N	Seconal, Tuinal
Sufentanil	9740	II	Y	Sufenta
Tapentadol	9780	II	Y	
Thebaine	9333	II	Y	Precursor of many narcotics
13Beta-ethyl-17beta-hydroxygon-4-en-3-one	4000	III	N	
17Alpha-methyl-3alpha,17beta-dihydroxy-5alpha-androstane	4000	III	N	
17Alpha-methyl-3beta,17beta-dihydroxy-5alpha-androstane	4000	III	N	
17Alpha-methyl-3beta,17beta-dihydroxyandrost-4-ene	4000	III	N	
17Alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one)	4000	III	N	
17Alpha-methyl-delta1-dihydrotestosterone (17beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one)	4000	III	N	17-Alpha-methyl-1-testosterone
19-Nor-4,9(10)-androstadienedione	4000	III	N	
19-Nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene; 3alpha,17beta-dihydroxyestr-4-ene)	4000	III	N	
19-Nor-4-androstenedione (estr-4-en-3,17-dione)	4000	III	N	
19-Nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene; 3alpha,17beta-dihydroxyestr-5-ene)	4000	III	N	
19-Nor-5-androstenedione (estr-5-en-3,17-dione)	4000	III	N	
1-Androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene; 3alpha,17beta-dihydroxy-5alpha-androst-1-ene)	4000	III	N	
1-Androstenedione (5alpha-androst-1-en-3,17-dione)	4000	III	N	
3Alpha,17beta-dihydroxy-5alpha-androstane	4000	III	N	
3Beta,17beta-dihydroxy-5alpha-androstane	4000	III	N	
4-Androstenediol (3beta,17beta-dihydroxy-androst-4-ene)	4000	III	N	4-AD
4-Androstenedione (androst-4-en-3,17-dione)	4000	III	N	
4-Dihydrotestosterone (17beta-hydroxyandrost-4-en-3-one)	4000	III	N	Anabolex, Andractim, Pesomax, Stanolone
4-Hydroxy-19-nortestosterone (4,17beta-dihydroxyestr-4-en-3-one)	4000	III	N	
4-Hydroxytestosterone (4,17beta-dihydroxyandrost-4-en-3-one)	4000	III	N	
5-Androstenediol (3beta,17beta-dihydroxy-androst-5-ene)	4000	III	N	
5-Androstenedione (androst-5-en-3,17-dione)	4000	III	N	

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Amobarbital & noncontrolled active ingred.	2126	III	N	
Amobarbital suppository dosage form	2126	III	N	
Anabolic steroids	4000	III	N	"Body Building" drugs
Androstenedione (5alpha-androstan-3,17-dione)	4000	III	N	
Aprobarbital	2100	III	N	Alurate
Barbituric acid derivative	2100	III	N	Barbiturates not specifically listed
Benzphetamine	1228	III	N	Didrex, Inapetyl
Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one)	4000	III	N	
Boldenone (17beta-hydroxyandrost-1,4-diene-3-one)	4000	III	N	Equipoise, Parenabol, Vebonol, dehydrotestosterone
Boldione	4000	III	N	
Buprenorphine	9064	III	Y	Buprenex, Temgesic, Subutex, Suboxone
Butabarbital (secbutabarbital)	2100	III	N	Butisol, Butibel
Butalbital	2100	III	N	Fiorinal, Butalbital with aspirin
Butobarbital (butethal)	2100	III	N	Soneryl (UK)
Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one)	4000	III	N	Methosarb
Chlorhexadol	2510	III	N	Mechloral, Mecoral, Medodorm, Chloralodol
Chlorphentermine	1645	III	N	Pre-Sate, Lucofen, Apsedon, Desopimom
Clortermine	1647	III	N	Voranil
Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one)	4000	III	N	Alfa-Trofodermin, Clostene, 4-chlorotestosterone
Codeine & isoquinoline alkaloid 90 mg/du	9803	III	Y	Codeine with papaverine or noscapine
Codeine combination product 90 mg/du	9804	III	Y	Empirin, Fiorinal, Tylenol, ASA or APAP w/codeine
Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one)	4000	III	N	Oral-Turinabol
Delta1-dihydrotestosterone (17beta-hydroxy-5alpha-androst-1-en-3-one)	4000	III	N	1-Testosterone
Desoxymethyltestosterone	4000	III	N	
Dihydrocodeine combination product 90 mg/du	9807	III	Y	Synalgos-DC, Compal
Dronabinol (synthetic) in sesame oil in soft gelatin capsule as approved by FDA	7369	III	N	Marinol, synthetic THC in sesame oil/soft gelatin as approved by FDA
Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one)	4000	III	N	Drolban, Masterid, Permastril
Embutramide	2020	III	N	Tributane
Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene)	4000	III	N	Maxibolin, Orabolin, Durabolin-O, Duraboral
Ethylmorphine combination product 15 mg/du	9808	III	Y	
Fluoxymesterone (9-fluoro-17alpha-methyl-11beta,17beta-dihydroxyandrost-4-en-3-one)	4000	III	N	Anadroid-F, Halotestin, Ora-Testryl
Formebolone (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1,4-dien-3-one)	4000	III	N	Esiclene, Hubernol
Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan)	4000	III	N	Frazalon, Miotolon, Qu Zhi Shu
Gamma Hydroxybutyric Acid preparations	2012	III	N	Xyrem

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Hydrocodone & isoquinoline alkaloid <15 mg/du	9805	III	Y	Dihydrocodeinone+papaverine or noscapine
Hydrocodone combination product <15 mg/du	9806	III	Y	Lorcet, Lortab, Vicodin, Vicoprofen, Tussionex, Norco
Ketamine	7285	III	N	Ketaset, Ketalar, Special K, K
Lysergic acid	7300	III	N	LSD precursor
Lysergic acid amide	7310	III	N	LSD precursor
Mestanolone (17alpha-methyl-17beta-hydroxy-5alpha-androstan-3-one)	4000	III	N	Assimil, Ermalone, Methybol, Tantarone
Mesterolone (1alpha-methyl-17beta-hydroxy-5alpha-androstan-3-one)	4000	III	N	Androviron, Proviron, Testiwop
Methandienone (17alpha-methyl-17beta-hydroxyandrost-1,4-diene-3-one)	4000	III	N	Dianabol, Metabolina, Nerobol, Perbolin
Methandriol (17alpha-methyl-3beta,17beta-dihydroxyandrost-5-ene)	4000	III	N	Sinesex, Stenediol, Troformone
Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one)	4000	III	N	Primobolan, Primobolan Depot, Primobolan S
Methyldienolone (17alpha-methyl-17beta-hydroxyestr-4,9(10)-dien-3-one)	4000	III	N	
Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one)	4000	III	N	Android, Oreton, Testred, Virilon
Methyltrienolone (17alpha-methyl-17beta-hydroxyestr-4,9,11-trien-3-one)	4000	III	N	Metribolone
Methypylon	2575	III	N	Noludar
Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one)	4000	III	N	Cheque, Matenon
Morphine combination product/50 mg/100 ml or gm	9810	III	Y	
Nalorphine	9400	III	Y	Nalline
Nandrolone (17beta-hydroxyestr-4-en-3-one)	4000	III	N	Deca-Durabolin, Durabolin, Durabolin-50
Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one)	4000	III	N	Genabol
Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one)	4000	III	N	Anabol-4-19, Lentabol
Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one)	4000	III	N	Nilevar, Pronabol, Solevar
Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one)	4000	III	N	Lutenin, Matronal, Orgasteron
Opium combination product 25 mg/du	9809	III	Y	Paregoric, other combination products
Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-5alpha-androstan-3-one)	4000	III	N	Anavar, Lonavar, Oxandrin, Provitar, Vasorome
Oxymesterone (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one)	4000	III	N	Anamidol, Balnimax, Oranabol, Oranabol 10
Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-5alpha-androstan-3-one)	4000	III	N	Anadrol-50, Adroyd, Anapolon, Anasteron, Pardroyd
Pentobarbital & noncontrolled active ingred.	2271	III	N	FP-3
Pentobarbital suppository dosage form	2271	III	N	WANS
Phendimetrazine	1615	III	N	Plegine, Prelu-2, Bontril, Melfiat, Statobex
Secobarbital & noncontrolled active ingred	2316	III	N	
Secobarbital suppository dosage form	2316	III	N	

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Stanozolol (17alpha-methyl-17beta-hydroxy-5alpha-androst-2-eno[3,2-c]-pyrazole)	4000	III	N	Winstrol, Winstrol-V
Stenbolone (17beta-hydroxy-2-methyl--5alpha-androst-1-en-3-one)	4000	III	N	
Stimulant compounds previously excepted	1405	III	N	Mediatric
Sulfondiethylmethane	2600	III	N	
Sulfonethylmethane	2605	III	N	
Sulfonmethane	2610	III	N	
Talbutal	2100	III	N	Lotusate
Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone)	4000	III	N	Teolit, Teslac
Testosterone (17beta-hydroxyandrost-4-en-3-one)	4000	III	N	Android-T, Androlan, Depotest, Delatestyl
Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one)	4000	III	N	THG
Thiamylal	2100	III	N	Surital
Thiopental	2100	III	N	Pentothal
Tiletamine & Zolazepam Combination Product	7295	III	N	Telazol
Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one)	4000	III	N	Finaplix-S, Finajet, Parabolan
Vinbarbital	2100	III	N	Delvinal, vinbarbitone
Alprazolam	2882	IV	N	Xanax
Barbital	2145	IV	N	Veronal, Plexonal, barbitone
Bromazepam	2748	IV	N	Lexotan, Lexatin, Lexotanil
Butorphanol	9720	IV	N	Stadol, Stadol NS, Torbugesic, Torbutrol
Camazepam	2749	IV	N	Albego, Limpidon, Paxor
Cathine	1230	IV	N	Constituent of "Khat" plant, (+)-norpseudoephedrine
Chloral betaine	2460	IV	N	Beta Chlor
Chloral hydrate	2465	IV	N	Noctec
Chlordiazepoxide	2744	IV	N	Librium, Libritabs, Limbitrol, SK-Lygen
Clobazam	2751	IV	N	Urbadan, Urbanyl
Clonazepam	2737	IV	N	Klonopin, Clonopin
Clorazepate	2768	IV	N	Tranxene
Clotiazepam	2752	IV	N	Trecalmo, Rize, Clozan, Veratran
Cloxazolam	2753	IV	N	Akton, Lubalix, Olcadil, Sepazon
Delorazepam	2754	IV	N	
Dexfenfluramine	1670	IV	N	Redux
Dextropropoxyphene dosage forms	9278	IV	Y	Darvon, propoxyphene, Darvocet, Propacet
Diazepam	2765	IV	N	Valium, Diastat
Dichloralphenazone	2467	IV	N	Midrin, dichloralantipyrene
Diethylpropion	1610	IV	N	Tenuate, Tepanil
Difenoxin 1 mg/25 ug AtSO4/du	9167	IV	Y	Motofen

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Estazolam	2756	IV	N	ProSom, Domnamid, Eurodin, Nuctalon
Ethchlorvynol	2540	IV	N	Placidyl
Ethinamate	2545	IV	N	Valmid, Valamin
Ethyl loflazepate	2758	IV	N	
Fencamfamin	1760	IV	N	Reactivan
Fenfluramine	1670	IV	N	Pondimin, Ponderal
Fenproporex	1575	IV	N	Gacilin, Solvolip
Fludiazepam	2759	IV	N	
Flunitrazepam	2763	IV	N	Rohypnol, Narcozep, Darkene, Roipnol
Flurazepam	2767	IV	N	Dalmane
Fospropofol	2138	IV	N	Lusedra
Halazepam	2762	IV	N	Paxipam
Haloxazolam	2771	IV	N	
Ketazolam	2772	IV	N	Anxon, Loftran, Solatran, Contamex
Loprazolam	2773	IV	N	
Lorazepam	2885	IV	N	Ativan
Lormetazepam	2774	IV	N	Noctamid
Mazindol	1605	IV	N	Sanorex, Mazanor
Mebutamate	2800	IV	N	Capla
Medazepam	2836	IV	N	Nobrium
Mefenorex	1580	IV	N	Anorexic, Amexate, Doracil, Pondinil
Meprobamate	2820	IV	N	Miltown, Equanil, Micrainin, Equagesic, Meprospan
Methohexital	2264	IV	N	Brevital
Methylphenobarbital (mephobarbital)	2250	IV	N	Mebaral, mephobarbital
Midazolam	2884	IV	N	Versed
Modafinil	1680	IV	N	Provigil
Nimetazepam	2837	IV	N	Erimin
Nitrazepam	2834	IV	N	Mogadon
Nordiazepam	2838	IV	N	Nordazepam, Demadar, Madar
Oxazepam	2835	IV	N	Serax, Serenid-D
Oxazolam	2839	IV	N	Serenal, Converal
Paraldehyde	2585	IV	N	Paral
Pemoline	1530	IV	N	Cylert
Pentazocine	9709	IV	N	Talwin, Talwin NX, Talacen, Talwin Compound
Petrichloral	2591	IV	N	Pentaerythritol chloral, Periclora
Phenobarbital	2285	IV	N	Luminal, Donnatal, Bellergal-S
Phentermine	1640	IV	N	Ionamin, Fastin, Adipex-P, Obe-Nix, Zantryl

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Pinazepam	2883	IV	N	Domar
Pipradrol	1750	IV	N	Detaril, Stimolag Fortis
Prazepam	2764	IV	N	Centrax
Quazepam	2881	IV	N	Doral
Sibutramine	1675	IV	N	Meridia
SPA	1635	IV	N	1-dimethylamino-1,2-diphenylethane, Lefetamine
Temazepam	2925	IV	N	Restoril
Tetrazepam	2886	IV	N	Myolastan, Musaril
Triazolam	2887	IV	N	Halcion
Zaleplon	2781	IV	N	Sonata
Zolpidem	2783	IV	N	Ambien, Ivadal, Stilnoct, Stilnox
Zopiclone	2784	IV	N	Lunesta
Codeine preparations - 200 mg/100 ml or 100 gm		V	Y	Cosanyl, Robitussin A-C, Cheracol, Cerose, Pediacof
Difenoxin preparations - 0.5 mg/25 ug AtSO4/du		V	Y	Motofen
Dihydrocodeine preparations 10 mg/100 ml or 100 gm		V	Y	Cophene-S, various others
Diphenoxylate preparations 2.5 mg/25 ug AtSO4		V	Y	Lomotil, Logen
Ethylmorphine preparations 100 mg/100 ml or 100 gm		V	Y	
Lacosamide	2746	V	N	Vimpat
Opium preparations - 100 mg/100 ml or /100 gm		V	Y	Parepectolin, Kapectolin PG, Kaolin Pectin P.G.
Pregabalin	2782	V	N	Lyrica
Pyrovalerone	1485	V	N	Centroton, Thymergix