

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB22-1326 be amended as follows:

- 1 Amend printed bill, page 6, lines 6 and 7, strike "**amend** (2)(a); and".
- 2 Page 6, line 7, after "**add**" insert "(2.5) and".
- 3 Page 6, strike lines 8 through 20 and substitute:
 - 4 "**18-18-403.5. Unlawful possession of a controlled substance.**
 - 5 (2.5) NOTWITHSTANDING SUBSECTION (2)(c) OF THIS SECTION, ON
 - 6 OR AFTER JULY 1, 2022, A PERSON WHO VIOLATES SUBSECTION (1) OF THIS
 - 7 SECTION BY KNOWINGLY POSSESSING:
 - 8 (a) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
 - 9 WEIGHS MORE THAN ONE GRAM AND NOT MORE THAN FOUR GRAMS AND
 - 10 CONTAINS ANY QUANTITY OF FENTANYL, CARFENTANAL, OR AN ANALOG
 - 11 THEREOF AS DESCRIBED IN SECTION 18-18-204 (2)(g), AND THE PERSON
 - 12 KNEW OR REASONABLY SHOULD HAVE KNOWN THAT THE MATERIAL,
 - 13 COMPOUND, MIXTURE, OR PREPARATION CONTAINED ANY QUANTITY OF
 - 14 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
 - 15 SECTION 18-18-204 (2)(g), COMMITS A LEVEL 4 DRUG FELONY.
 - 16 (b) ANY MATERIAL, COMPOUND, MIXTURE, OR PREPARATION THAT
 - 17 WEIGHS NOT MORE THAN ONE GRAM AND CONTAINS ANY QUANTITY OF
 - 18 FENTANYL, CARFENTANAL, OR AN ANALOG THEREOF AS DESCRIBED IN
 - 19 SECTION 18-18-204 (2)(g), COMMITS A LEVEL 1 DRUG MISDEMEANOR;
 - 20 EXCEPT THAT A FOURTH OR SUBSEQUENT OFFENSE FOR A VIOLATION OF
 - 21 THIS SUBSECTION (2.5)(b) IS A LEVEL 4 DRUG FELONY."

** ** ** ** **