

CHAPTER 349

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 16-1359

BY REPRESENTATIVE(S) Salazar, Ginal, Kagan, Lebsack, Melton, Moreno, Ryden, Vigil;
also SENATOR(S) Guzman, Heath, Merrifield.

AN ACT

CONCERNING THE USE OF MEDICAL MARIJUANA WHILE ON PROBATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 18-1.3-204, **amend** (2) (a) (VIII) as follows:

18-1.3-204. Conditions of probation - interstate compact probation transfer cash fund - creation. (2) (a) When granting probation, the court may, as a condition of probation, require that the defendant:

(VIII) Refrain from excessive use of alcohol or any unlawful use of controlled substances, as defined in section 18-18-102 (5), or of any other dangerous or abusable drug without a prescription; except that the court shall not, as a condition of probation, prohibit the possession or use of medical marijuana, as authorized pursuant to section 14 of article XVIII of the state constitution, unless:

(A) The defendant is sentenced to probation for conviction of a crime under article 43.3 of title 12, C.R.S.; or

(B) The court determines, based on ~~the assessment as required by section 18-1.3-209~~ ANY MATERIAL EVIDENCE, THAT a prohibition against the possession or use of medical marijuana is necessary and appropriate to accomplish the goals of sentencing as stated in SECTION 18-1-102.5;

SECTION 2. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to persons on probation on or after the applicable effective date of this act.

Approved: June 10, 2016