

HBXXX_L.001

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Finance.

HB17-XXXX be amended as follows:

Amend printed bill, strike everything below the enacting clause and substitute:

"**SECTION 1.** In Colorado Revised Statutes, 18-18-406, **add** (3.5) as follows:

18-18-406. Offenses relating to marijuana and marijuana concentrate - definition. (3.5) A PERSON IS NOT IN COMPLIANCE WITH THE AUTHORITY TO ASSIST ANOTHER INDIVIDUAL GRANTED IN SECTION 14 (2)(b) OR SECTION 16 (3)(e) OF ARTICLE XVIII OF THE STATE CONSTITUTION AND IS SUBJECT TO THE OFFENSES AND PENALTIES OF THIS SUBSECTION (3) OF THIS SECTION IF THE PERSON POSSESSES ANY MARIJUANA PLANT HE OR SHE IS GROWING ON BEHALF OF ANOTHER INDIVIDUAL, UNLESS HE OR SHE IS THE PRIMARY CAREGIVER FOR THE INDIVIDUAL AND IS IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 25-1.5-106.

SECTION 2. In Colorado Revised Statutes, **add** 24-32-118 as follows:

24-32-118. Gray and black market marijuana enforcement grant program - report - definition. (1) (a) THE GRAY AND BLACK MARKET MARIJUANA ENFORCEMENT GRANT PROGRAM IS CREATED IN THE DIVISION. THE DIVISION SHALL AWARD GRANTS TO LOCAL LAW ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS TO COVER, IN PART OR IN FULL, INVESTIGATION AND PROSECUTION COSTS ASSOCIATED WITH UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS CONDUCTED IN VIOLATION OF STATE LAW.

(b) THE DIVISION SHALL:

(I) SOLICIT AND REVIEW APPLICATIONS FOR GRANTS FROM LOCAL LAW ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS; AND

(II) SELECT LOCAL LAW ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS TO RECEIVE GRANTS TO COVER COSTS ASSOCIATED WITH THE INVESTIGATION AND PROSECUTION OF UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS CONDUCTED IN VIOLATION OF STATE LAW.

(c) GRANTS AWARDED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS PURSUANT TO THIS SUBSECTION (1) SHALL BE PRIORITIZED TO:

(I) PROVIDE NECESSARY FINANCIAL ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS IN RURAL AREAS TO ADDRESS UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS CONDUCTED IN VIOLATION OF STATE LAW;

(II) SUPPORT LOCAL LAW ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS IN INVESTIGATING AND PROSECUTING LARGE-SCALE UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS CONDUCTED IN VIOLATION OF STATE LAW;

(III) PROVIDE NECESSARY FINANCIAL ASSISTANCE TO LOCAL LAW ENFORCEMENT

AGENCIES AND DISTRICT ATTORNEYS IN THE INVESTIGATION AND PROSECUTION OF ORGANIZED CRIME INVOLVED IN UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS CONDUCTED IN VIOLATION OF STATE LAW; AND

(IV) PROVIDE NECESSARY FINANCIAL ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES AND DISTRICT ATTORNEYS IN THE INVESTIGATION AND PROSECUTION OF UNLICENSED MARIJUANA CULTIVATION OR DISTRIBUTION OPERATIONS THAT DIVERT MARIJUANA OUTSIDE OF COLORADO.

(2) THE GENERAL ASSEMBLY MAY ANNUALLY APPROPRIATE MONEY FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501 OR THE PROPOSITION AA REFUND ACCOUNT CREATED IN SECTION 39-28.8-604 (1) TO THE DIVISION TO MAKE THE GRANTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION AND FOR THE DIVISION'S REASONABLE ADMINISTRATIVE EXPENSES RELATED TO THE GRANTS. ANY UNEXPENDED AND UNENCUMBERED MONEY FROM AN APPROPRIATION MADE PURSUANT TO THIS SUBSECTION (2) REMAINS AVAILABLE FOR EXPENDITURE BY THE DIVISION IN THE NEXT FISCAL YEAR WITHOUT FURTHER APPROPRIATION.

(3) THE DIVISION SHALL ADOPT POLICIES AND PROCEDURES THAT ARE NECESSARY FOR THE ADMINISTRATION OF THE GRANT PROGRAM, INCLUDING THE APPLICATION PROCESS AND THE GRANT AWARD CRITERIA.

(4) (a) ON OR BEFORE NOVEMBER 1, 2019, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE DIVISION SHALL INCLUDE AN UPDATE REGARDING THE EFFECTIVENESS OF THE GRANT PROGRAM IN ITS REPORT TO THE MEMBERS OF THE APPLICABLE COMMITTEES OF REFERENCE IN THE SENATE AND HOUSE OF REPRESENTATIVES AS REQUIRED BY THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2.

(b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTS REQUIRED IN SUBSECTION (4)(a) OF THIS SECTION CONTINUE INDEFINITELY.

(5) AS USED IN THIS SECTION, "RURAL AREA" MEANS:

(a) A COUNTY WITH A POPULATION OF LESS THAN TWO HUNDRED THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS; OR

(b) A MUNICIPALITY WITH A POPULATION OF LESS THAN THIRTY THOUSAND PEOPLE, ACCORDING TO THE MOST RECENTLY AVAILABLE POPULATION STATISTICS OF THE UNITED STATES BUREAU OF THE CENSUS, THAT IS LOCATED TEN MILES OR MORE FROM A MUNICIPALITY WITH A POPULATION OF MORE THAN FIFTY THOUSAND PEOPLE.

SECTION 3. **Effective date - applicability.** This act takes effect July 1, 2017, and section 1 of this act applies to offenses committed on or after said date.

SECTION 4. **Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety."