

Drug Felony Filings Continue to Increase in Colorado, Driving Up State Prison Budget

With prisons nearly full and the Department of Corrections budget closing in on \$1 billion, most Coloradans want the state to seek alternatives to incarceration — including reducing the penalties for simple drug possession

Colorado's prison budget has steadily increased over the past several years, and it will soon exceed \$1 billion for the first time in history if the state does not change course. More than \$900 million has been appropriated to the Department of Corrections for FY 2019 — an increase of more than 25% since FY 2012.

An analysis of state court and prison data finds Colorado's war on drugs is a major driver of the state's prison population and, consequently, its prison budget. Possession of any amount of Schedule I or II drugs, such as cocaine, methamphetamine, and heroin — including trace amounts detected in paraphernalia — carry felony penalties that can result in a prison sentence.

Despite efforts by the Colorado General Assembly to reduce the number of individuals being sentenced to prison for low-level drug offenses — particularly Senate Bill 13-250 in 2013 — drug felony filings have increased sharply across Colorado in recent years, the vast majority of which have been for simple possession. Drug felony filings have more than doubled since 2012, and they increased 8% in 2018, accounting for 30% of total felony filings in the state. When the Legislature enacted Senate Bill 13-250, it intended to comprehensively reform state drug laws in order to reserve prison beds for high-level dealers while diverting individuals charged with possession to treatment and community supervision. Six years later, it is clear that it did not go far enough.

With Colorado prisons nearing capacity, lawmakers must decide whether to open another prison — and continue adding to the state's nearly \$1 billion prison budget — or pursue ways of safely reducing the prison population. A strong majority of Colorado voters support the latter, according to a statewide survey conducted this month by Public Policy Polling.

This is a complex issue, but there are some simple actions the General Assembly could take this session to produce immediate and long-term benefits. Specifically, it could alleviate the upward pressure drug felony filings are placing on the state's prison population by reducing the penalty for simple drug possession from a felony to a misdemeanor — a proposal that most Coloradans would prefer over opening another prison, according to the PPP survey. The Legislature could also move more aggressively to develop strategies that support recovery and stability and address current gaps in treatment access and affordable housing.

Colorado Survey Results

The survey of 695 registered Colorado voters was conducted January 18-20, 2019, by Public Policy Polling and has a margin of error of $\pm 3.7\%$.

Two out of three Colorado voters (67%) think the Legislature should focus on reducing the prison population instead of spending additional funds to open another prison. Only 21% think the state should open another prison.



When it comes to addressing issues related to drug use, four out of five Colorado voters (79%) agree the state should focus more on prevention and treatment and less on incarceration and punishment. Fifty-seven percent "strongly agree," while only 9% "strongly disagree."



When it comes to addressing prison overcrowding, 63% of Colorado voters think the Legislature should reduce the prison population by lowering the penalty for simple drug possession, rather than opening another prison. Only 25% would prefer the state open another prison, while the rest were not sure.



See pages 29-33 for the full survey results, including demographics and crosstabs.

Drug Felony Case Filings in Colorado: FY 2012-FY 2018¹⁻²

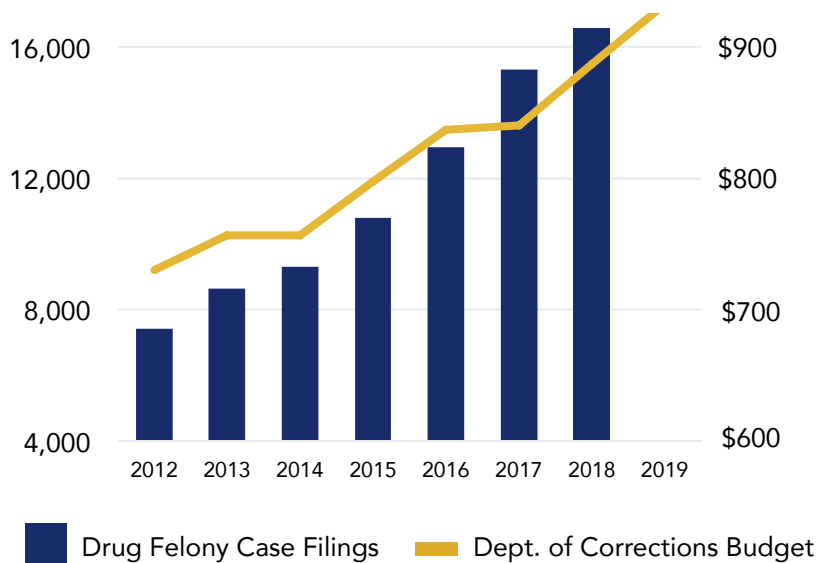
2012	2013	2014	2015	2016	2017	2018
7,424	8,636	9,303	10,791	12,956	15,323	16,547

Colorado Department of Corrections Budget (in Millions): FY 2012-FY 2019³⁻⁴

2012	2013	2014	2015	2016	2017	2018	2019
\$720.1	\$744.3	\$744.4	\$782.6	\$818.4	\$821.6	\$864.7	\$907.1

2012-2017 = Actual 2018-2019 = Appropriated

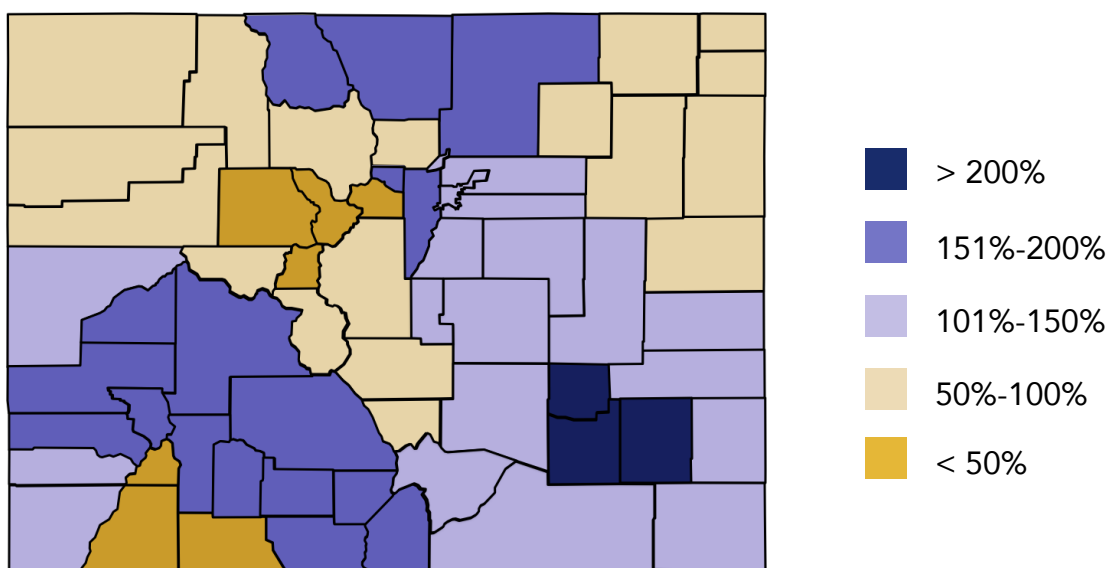
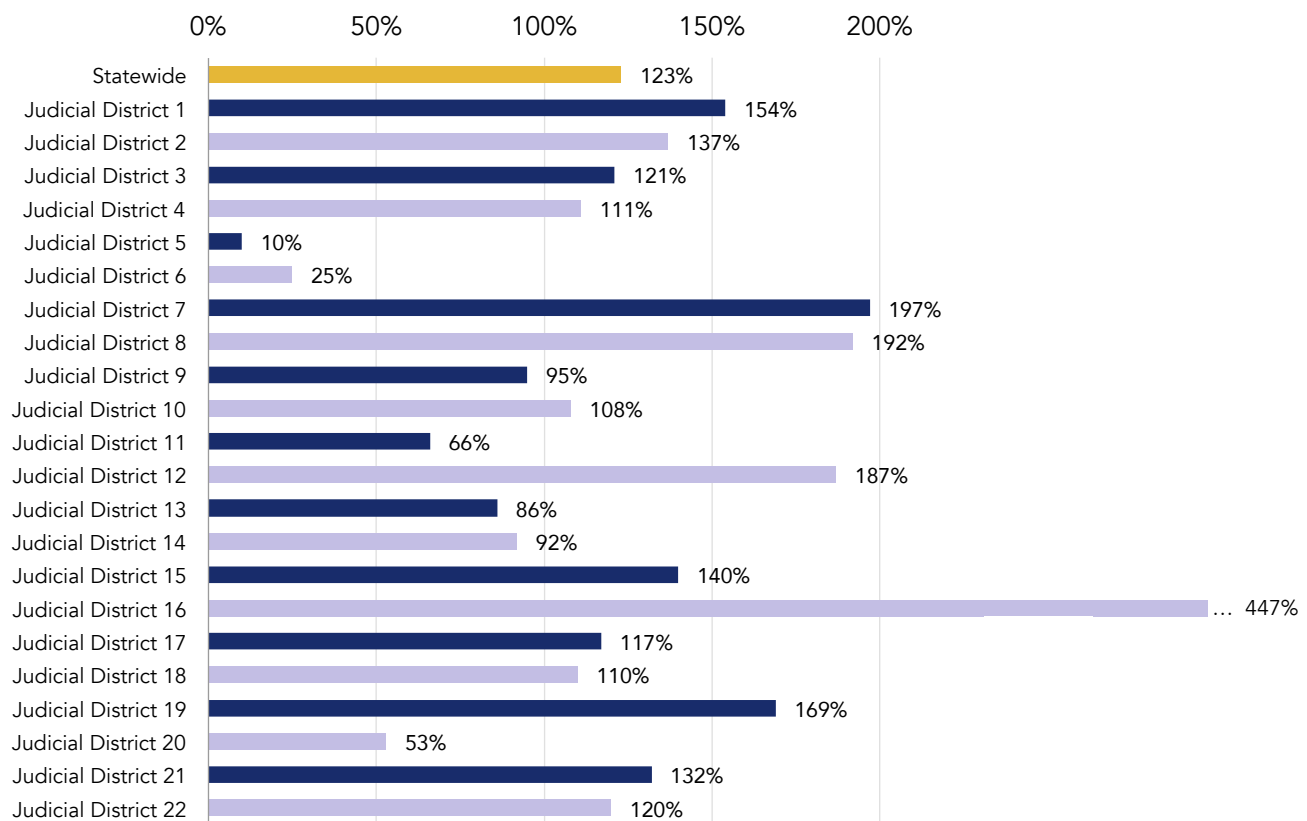
Drug Felony Case Filings in Colorado and Department of Corrections Budget (in Millions): FY 2012-FY 2019¹⁻⁴



The number of drug felony cases filed in Colorado courts increased 8% in 2018. **Annual drug felony filings have more than doubled since 2012**, increasing 123%.¹⁻²

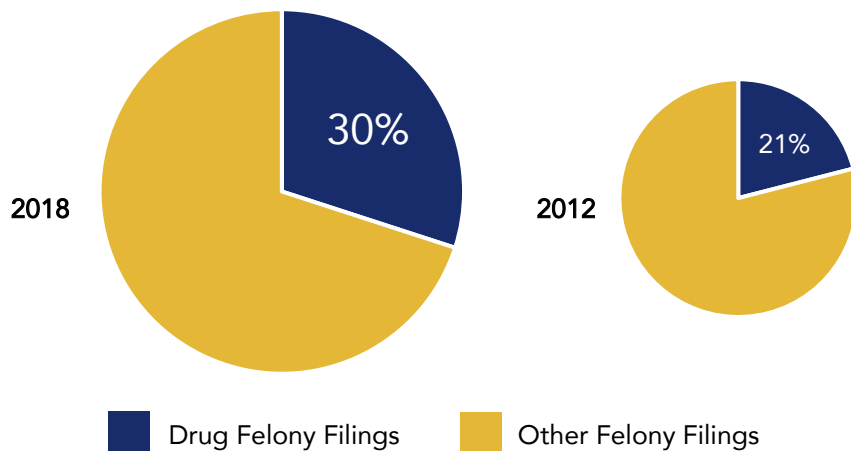
The increase in drug felony case filings in Colorado from 2012-2018 is correlated with significant growth in the state's prison budget.

Increase in Annual Drug Felony Case Filings in Colorado, Statewide and Per Judicial District: 2018 Compared to 2012¹



See pages 6-27 for individual district profiles.

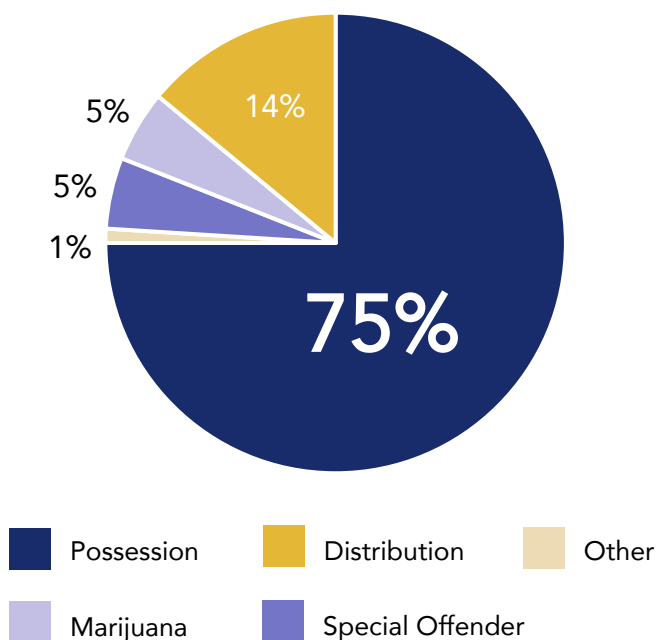
Drug Felony Case Filings as a Proportion of Total Felony Case Filings in Colorado: 2018 Compared to 2012²



In 2018, drug felony filings accounted for 30% of total felony filings in Colorado, compared to 21% in 2012. They accounted for at least one-quarter of all felony filings in 17 of the state's 22 judicial districts and one-third or more in six of those districts.²

See pages 6-27 for individual judicial district profiles.

Drug Felony Case Filings in Colorado, by Type of Offense: CY 2017⁵



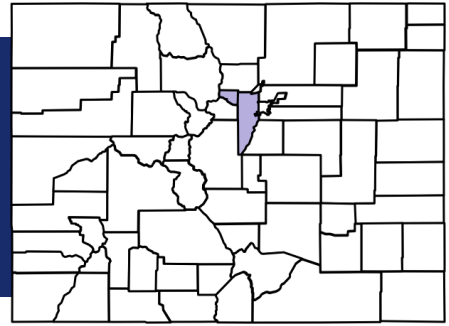
The vast majority of drug felony filings are for possession alone. Of the drug felony cases filed in Colorado in 2017, **three out of four were for possession**.⁵

Of the people sentenced to prison for drug possession in CY 2017, **84% were originally charged only with possession** (i.e. they did not plead down to possession from distribution).⁶

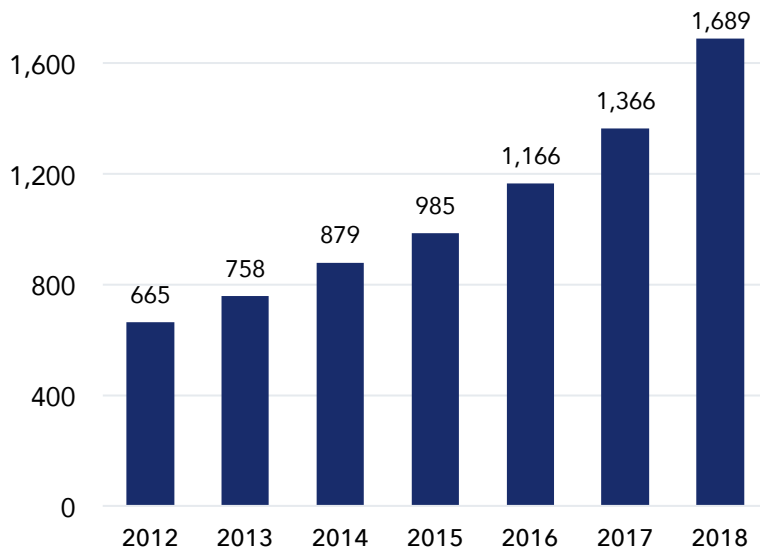
See page 34 for an overview of Colorado drug crime classifications and penalties.

1st Judicial District

Counties: Gilpin, Jefferson

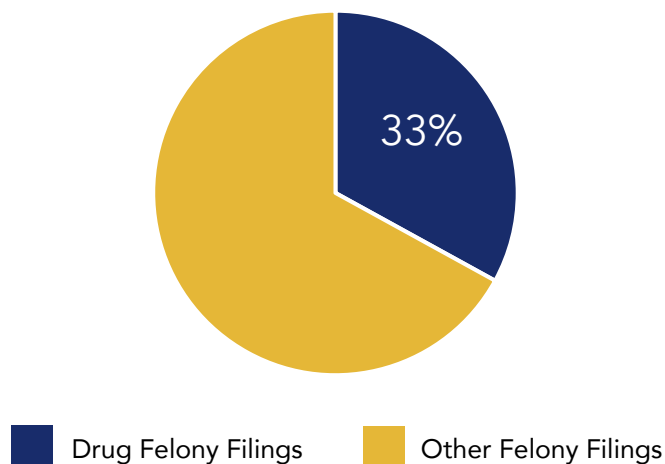


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 1st Judicial District increased 24% in 2018. The district has experienced a 154% increase since 2012.¹⁻²

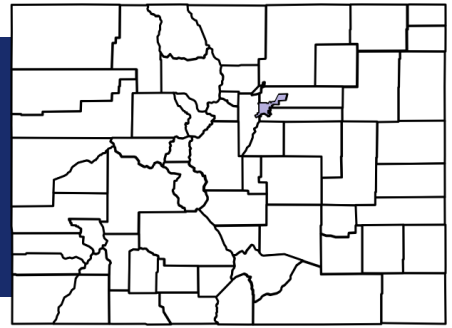
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



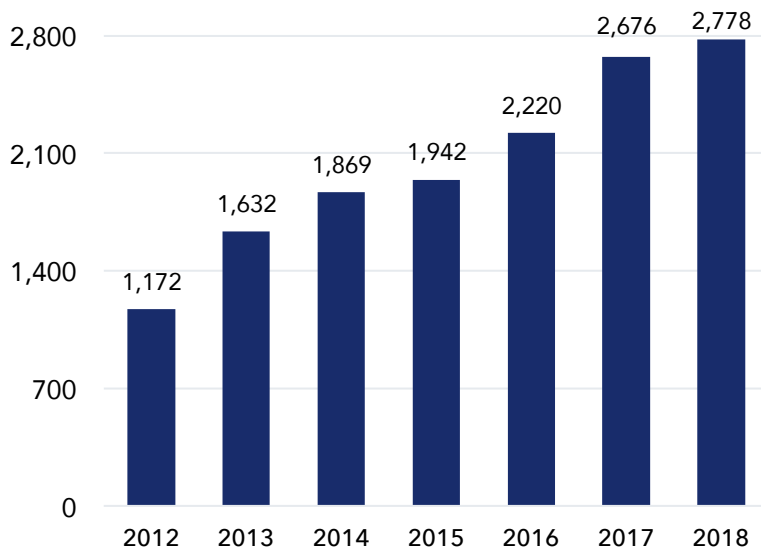
Drug felony filings accounted for 33% of total felony filings in 2018, compared to 19% in 2012.¹⁻²

2nd Judicial District

Counties: Denver

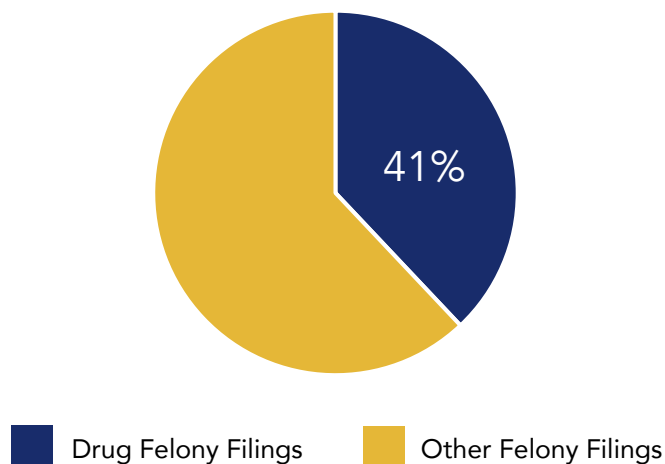


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 2nd Judicial District increased 4% in 2018. The district has experienced a 137% increase since 2012.¹⁻²

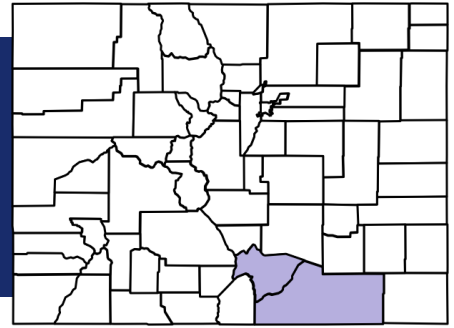
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



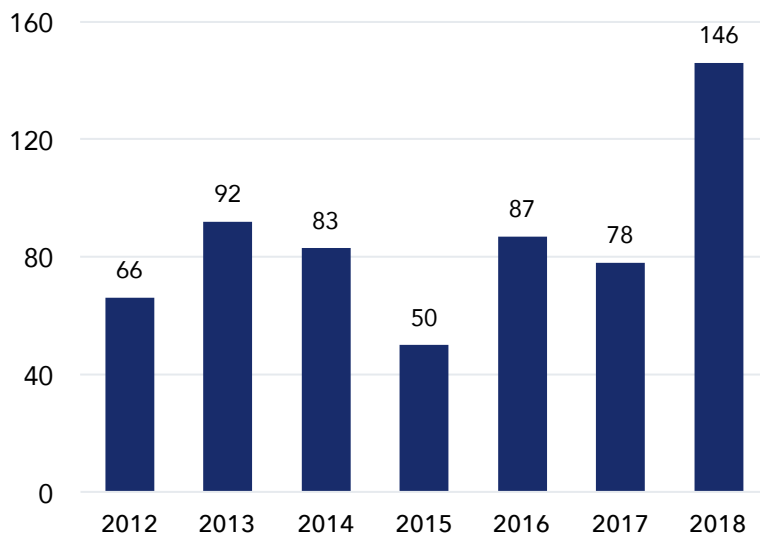
In 2018, drug felony filings accounted for 41% of total felony filings, compared to 29% in 2012.¹⁻²

3rd Judicial District

Counties: Huerfano, Las Animas

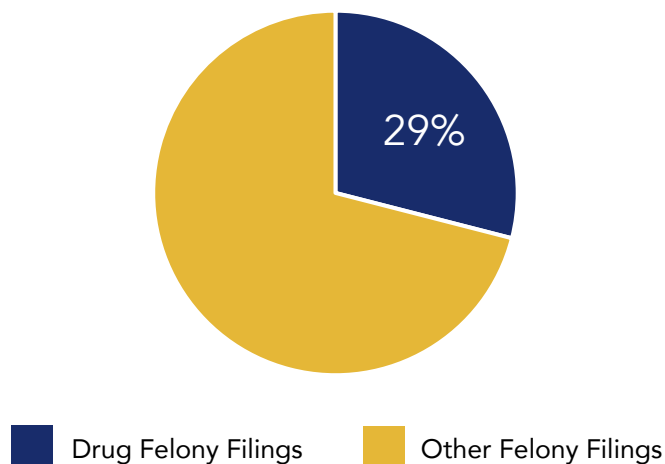


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 3rd Judicial District increased 87% in 2018. The district has experienced a 121% increase since 2012.

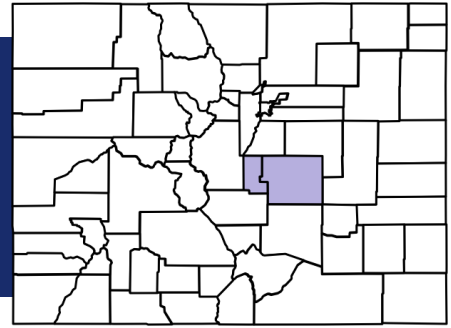
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



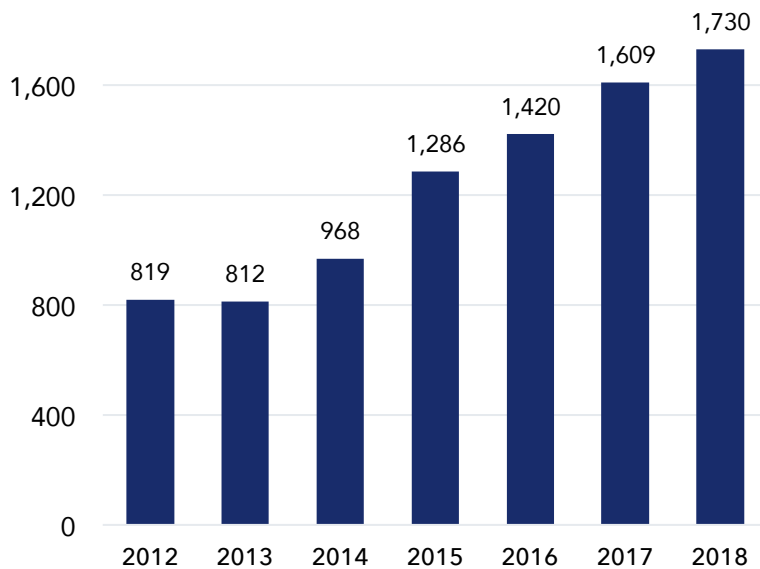
In 2018, drug felony filings accounted for 29% of total felony filings, compared to 16% in 2012.¹⁻²

4th Judicial District

Counties: El Paso, Teller

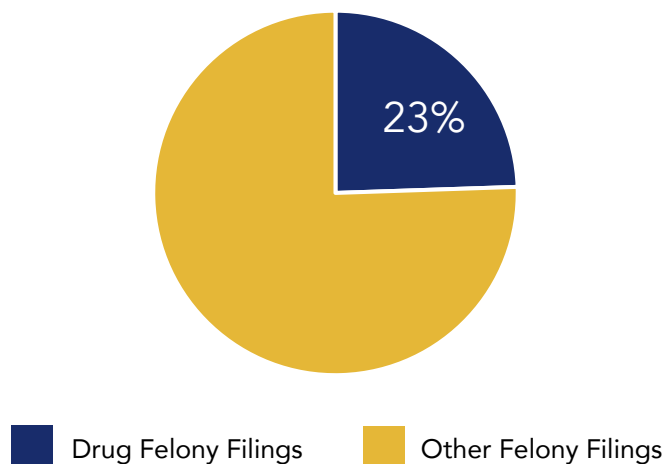


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 4th Judicial District increased 8% in 2018. The district has experienced a 111% increase since 2012.

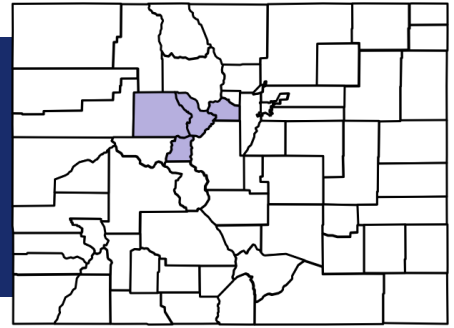
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



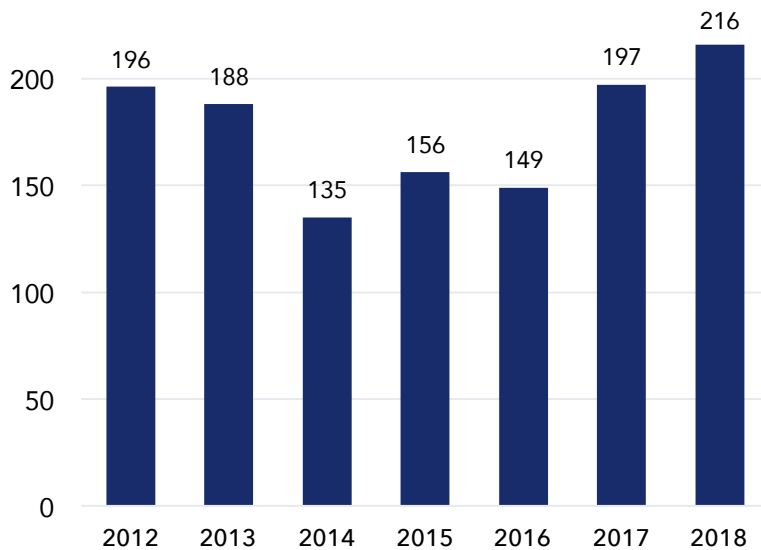
In 2018, drug felony filings accounted for 23% of total felony filings, compared to 17% in 2012.

5th Judicial District

Counties: Clear Creek, Eagle, Lake, Summit

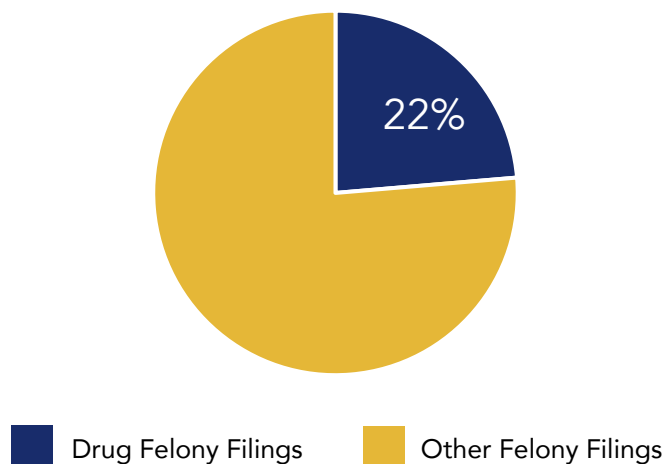


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 5th Judicial District increased 10% in 2018. The district has experienced a 10% increase since 2012.

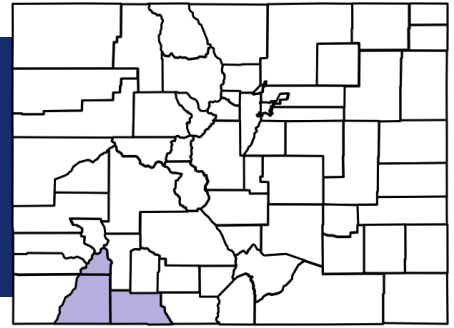
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



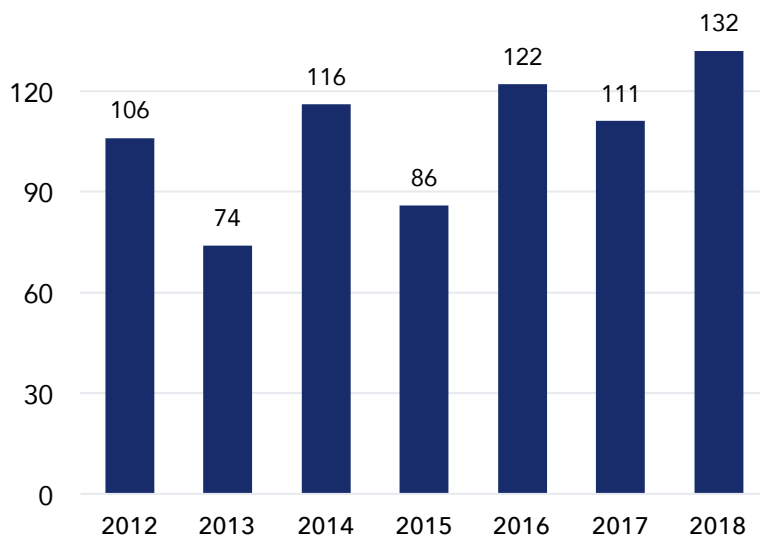
In 2018, drug felony filings accounted for 22% of total felony filings. They accounted for 27% of total felony filings in 2012.

6th Judicial District

Counties: Archuleta, La Plata, San Juan

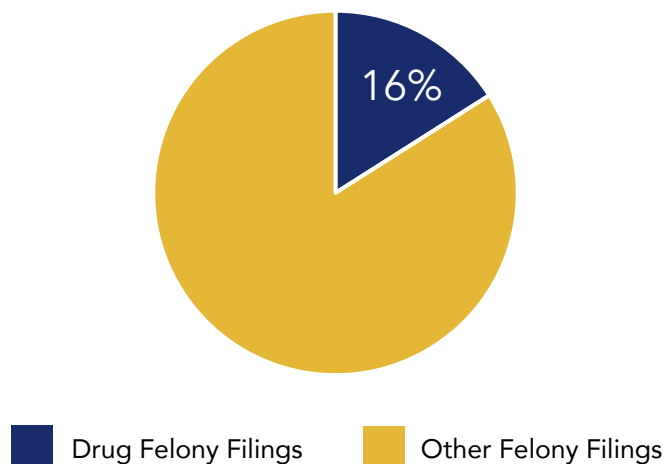


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 6th Judicial District increased 19% in 2018. The district has experienced a 25% increase since 2012.

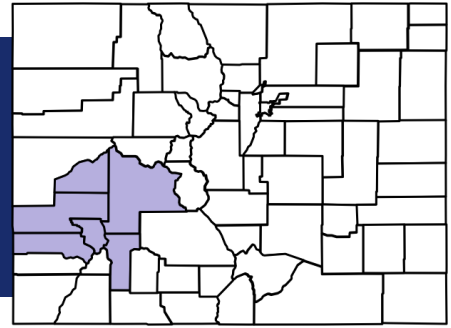
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



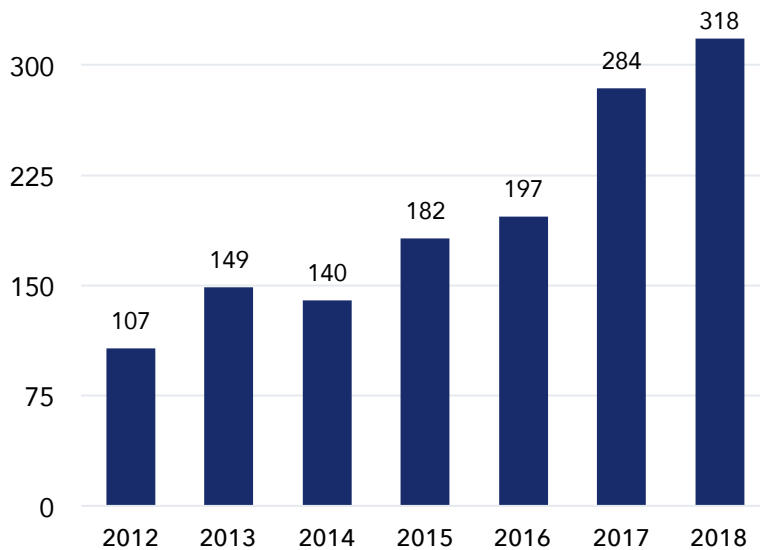
In 2018, drug felony filings accounted for 16% of total felony filings. They accounted for 16% of total felony filings in 2012, as well.¹⁻²

7th Judicial District

Counties: Delta, Gunnison, Hinsdale,
Montrose, Ouray, San Miguel

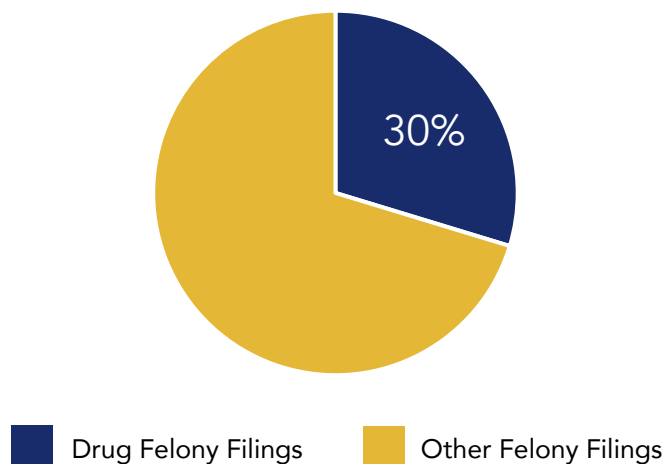


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 7th Judicial District increased 12% in 2018. The district has experienced a 197% increase since 2012.

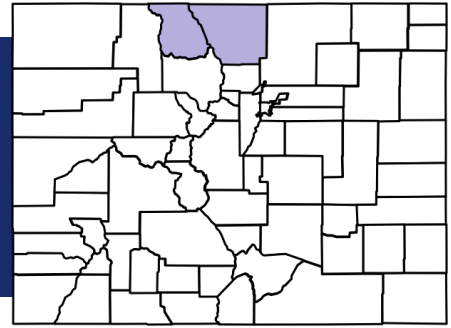
Drug Felony Filings as a Proportion of Total Felony Filings: 2018



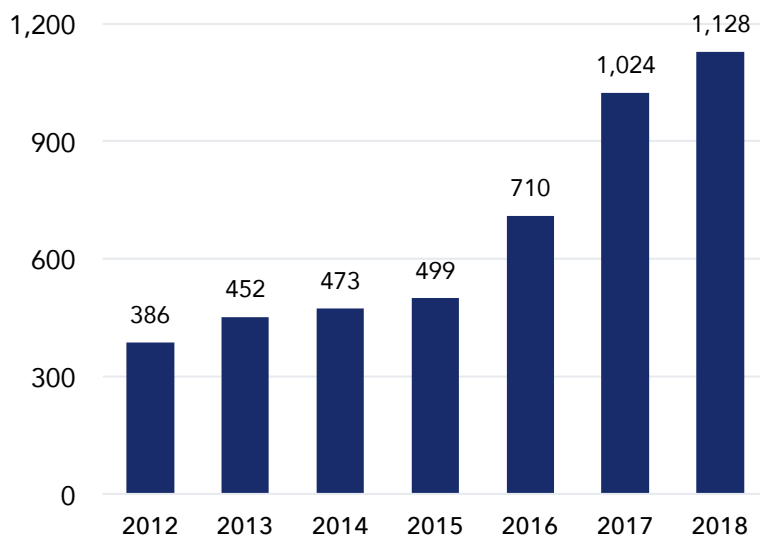
In 2018, drug felony filings accounted for 30% of total felony filings, compared to 17% in 2012.¹⁻²

8th Judicial District

Counties: Jackson, Larimer

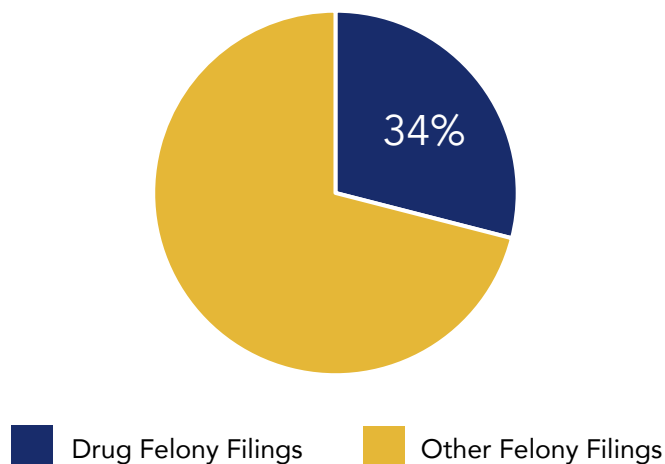


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 8th Judicial District increased 10% in 2018. The district has experienced a 192% increase since 2012.

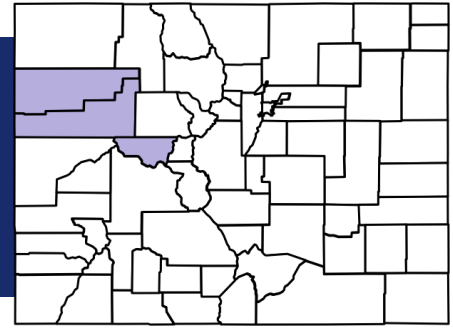
Drug Felony Filings as a Proportion of Total Felony Filings: 2018



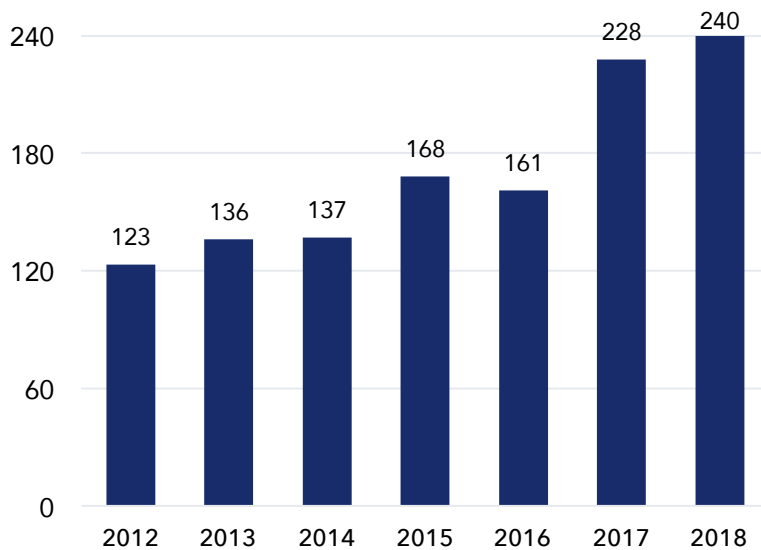
In 2018, drug felony filings accounted for 34% of total felony filings, compared to 20% in 2012.¹⁻²

9th Judicial District

Counties: Garfield, Pitkin, Rio Blanco

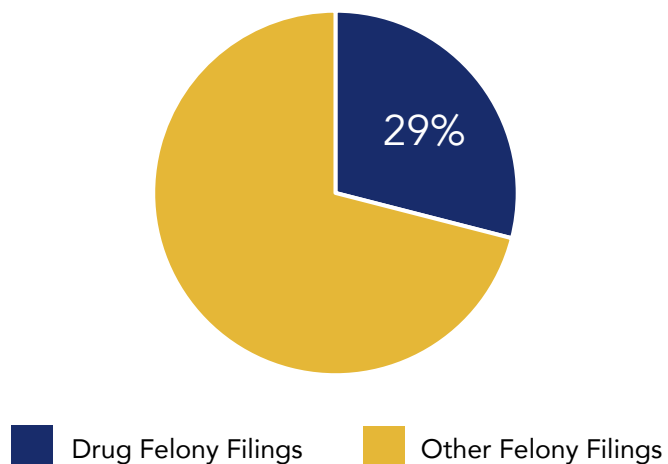


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 9th Judicial District increased 5% in 2018. The district has experienced a 95% increase since 2012.

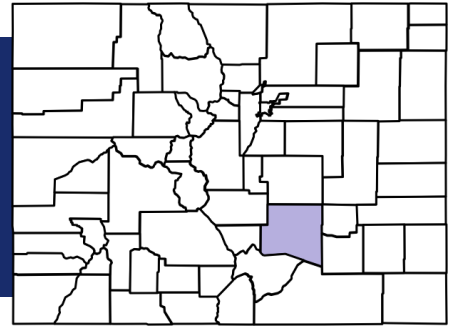
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



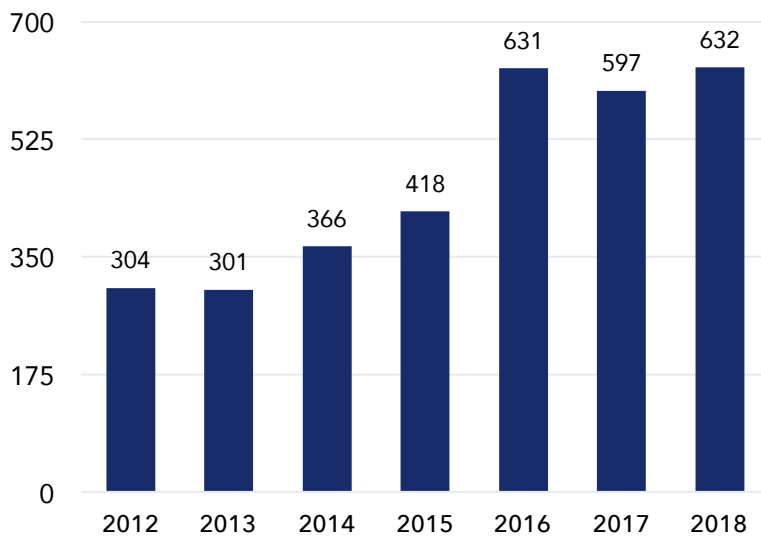
In 2018, drug felony filings accounted for 29% of total felony filings, compared to 19% in 2012.¹⁻²

10th Judicial District

Counties: Pueblo

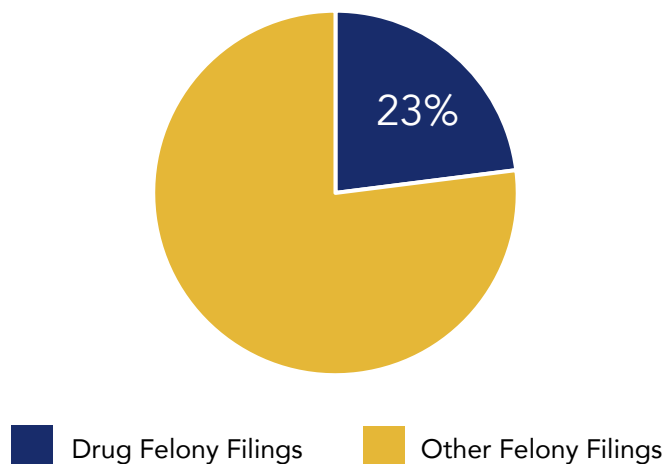


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 10th Judicial District increased 6% in 2018. The district has experienced a 108% increase since 2012.

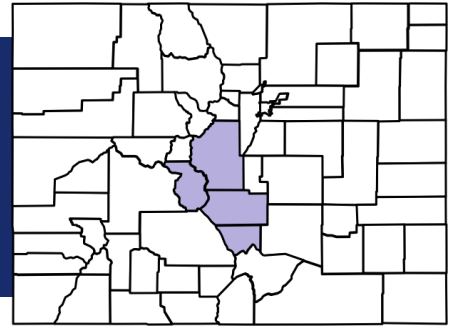
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



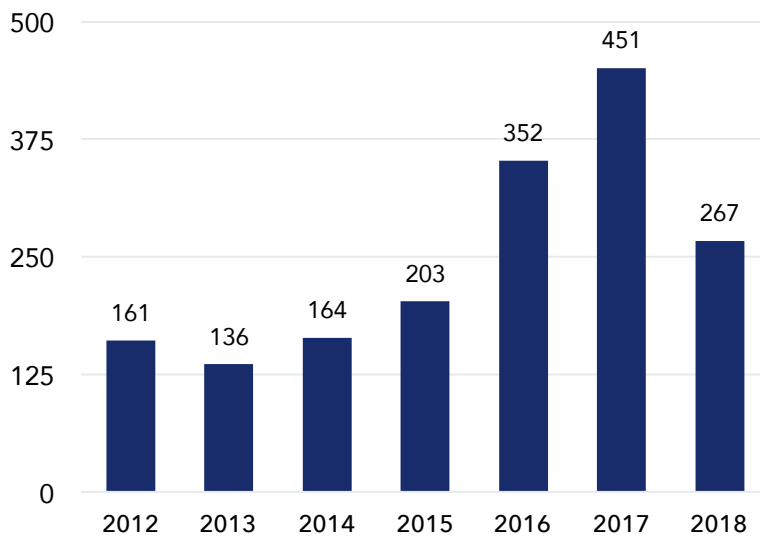
In 2018, drug felony filings accounted for 23% of total felony filings, compared to 16% in 2012.¹⁻²

11th Judicial District

Counties: Chaffee, Custer, Fremont, Park

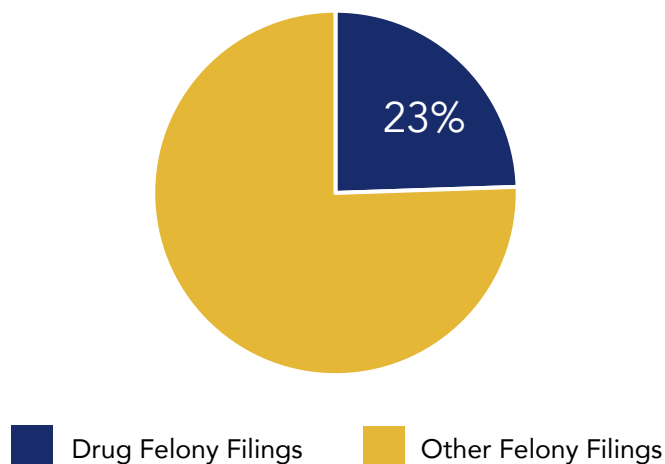


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 11th Judicial District decreased 41% in 2018. The district has experienced a 66% increase since 2012.

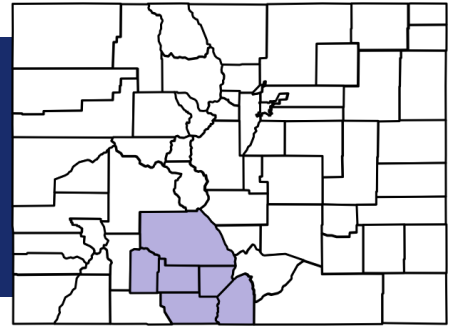
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



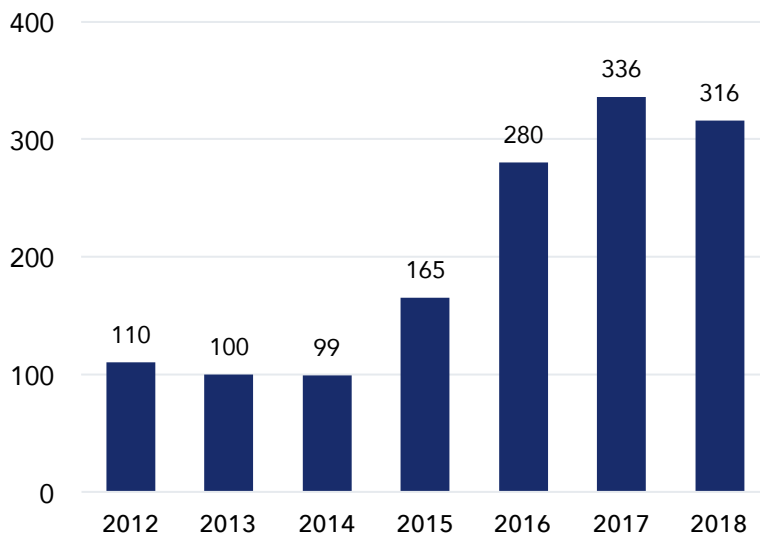
In 2018, drug felony filings accounted for 23% of total felony filings. They accounted for 25% of total felony filings in 2012.¹⁻²

12th Judicial District

Counties: Alamosa, Conejos, Costilla,
Mineral, Rio Grande, Saguache

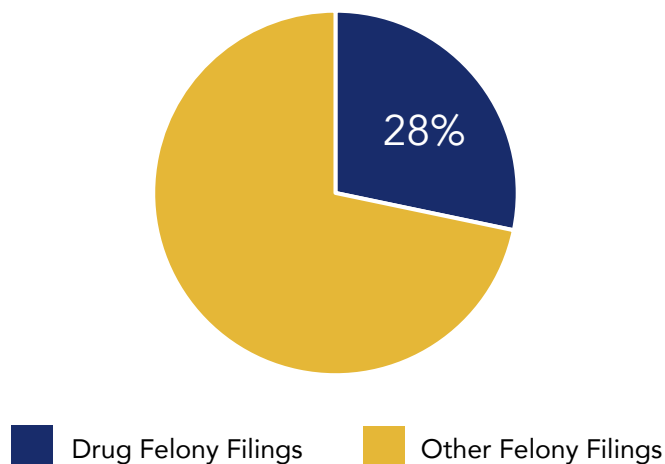


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 12th Judicial District decreased 6% in 2018. The district has experienced a 187% increase since 2012.

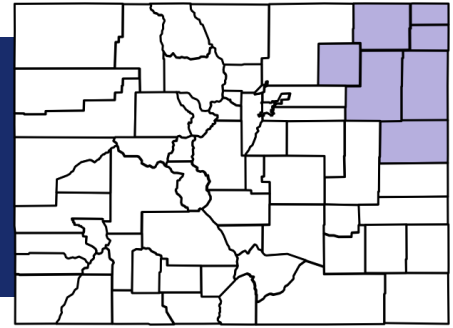
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



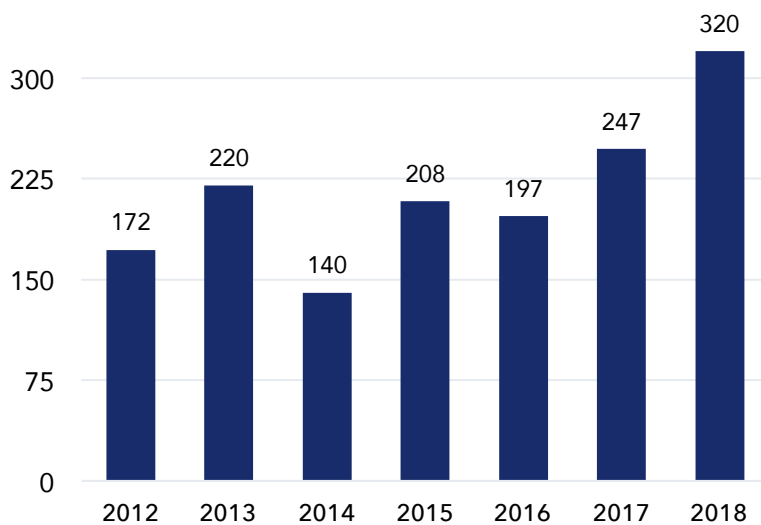
In 2018, drug felony filings accounted for 28% of total felony filings, compared to 15% in 2012.¹⁻²

13th Judicial District

Counties: Kit Carson, Logan, Morgan, Phillips
Sedgwick, Washington, Yuma

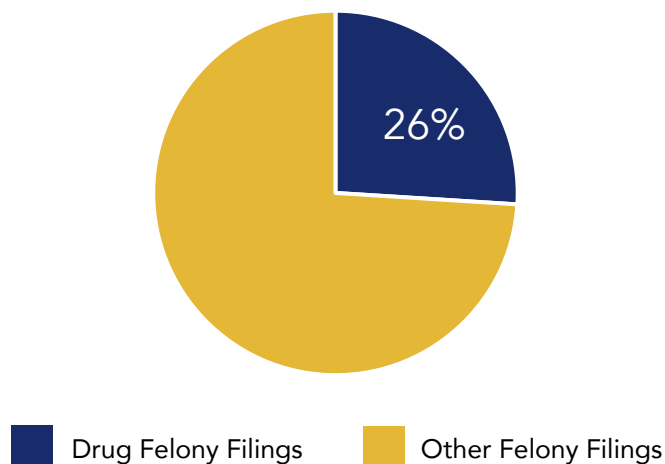


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 13th Judicial District increased 30% in 2018. The district has experienced an 86% increase since 2012.

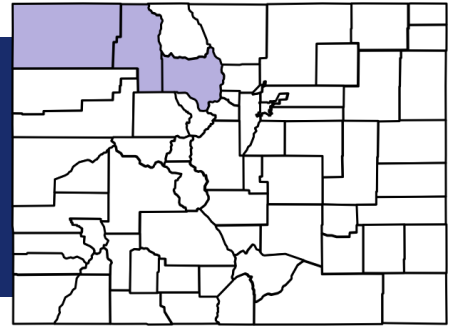
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



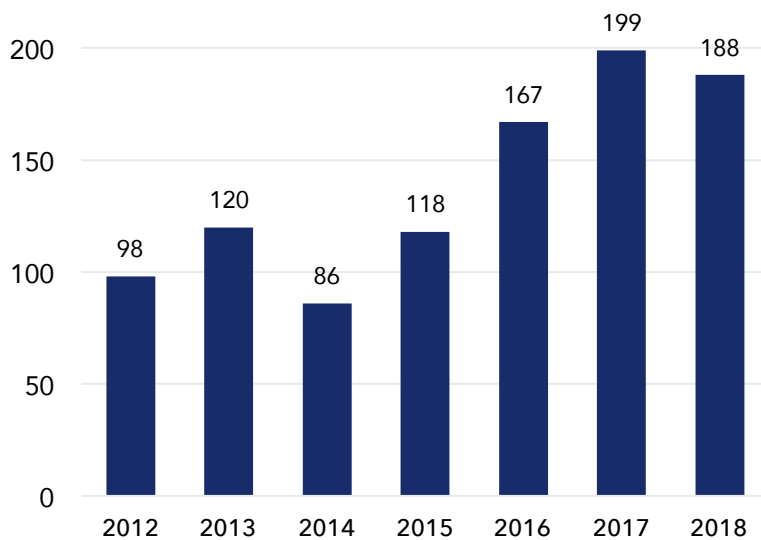
In 2018, drug felony filings accounted for 26% of total felony filings, compared to 24% in 2012.¹⁻²

14th Judicial District

Counties: Grand, Moffat, Routt

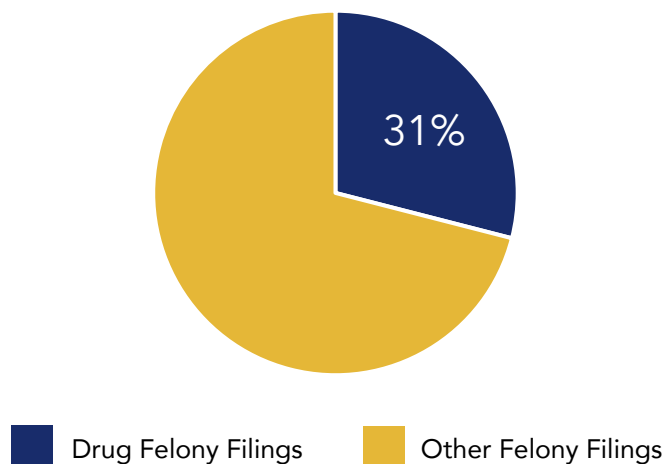


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 14th Judicial District decreased 6% in 2018. The district has experienced a 92% increase since 2012.

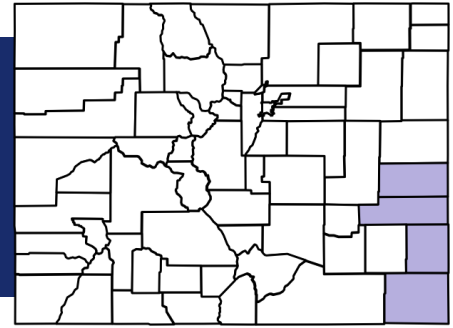
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



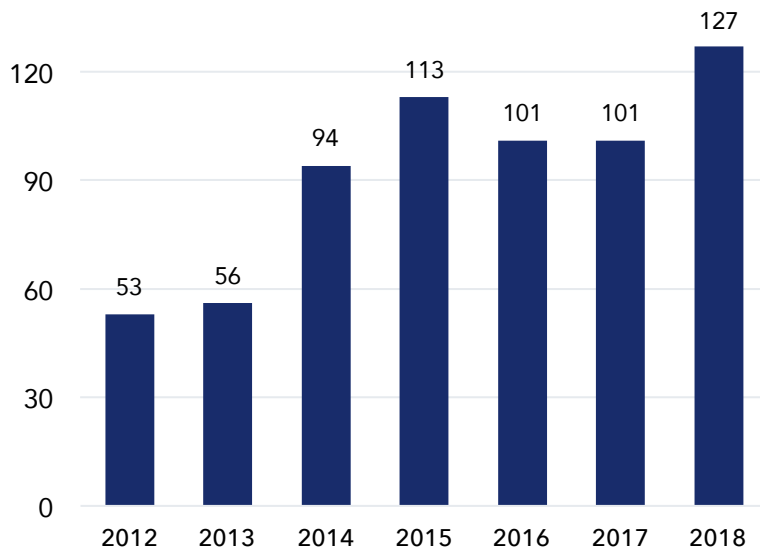
In 2018, drug felony filings accounted for 31% of total felony filings, compared to 21% in 2012.¹⁻²

15th Judicial District

Counties: Baca, Cheyenne, Kiowa, Prowers

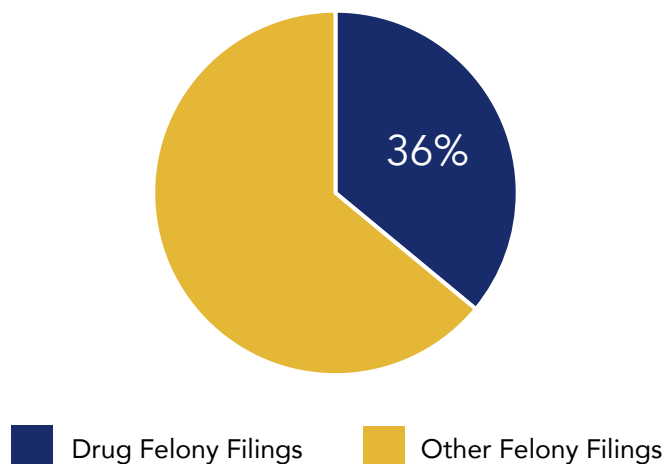


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 15th Judicial District increased 26% in 2018. The district has experienced a 140% increase since 2012.

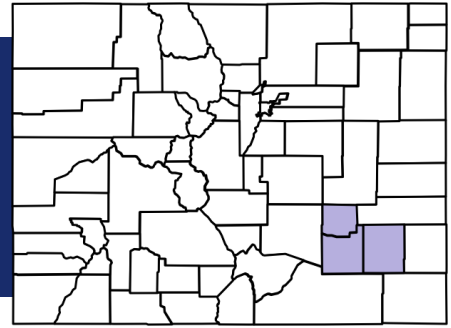
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



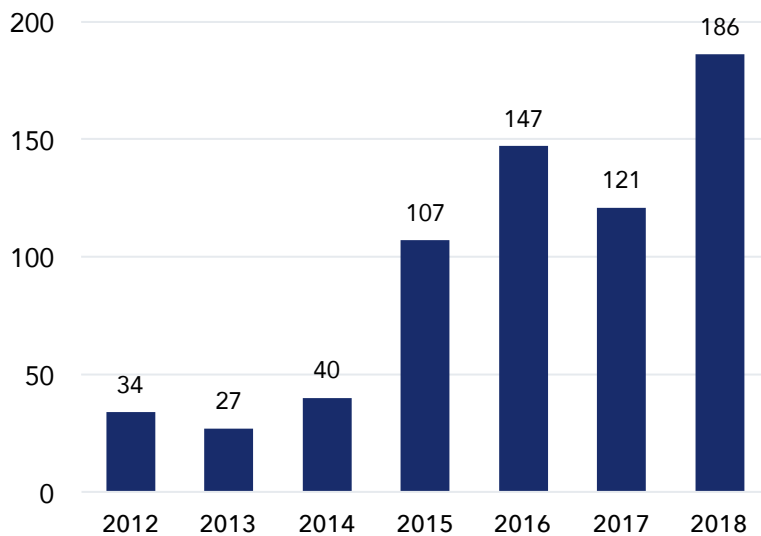
In 2018, drug felony filings accounted for 36% of total felony filings, compared to 23% in 2012.¹⁻²

16th Judicial District

Counties: Bent, Crowley, Otero

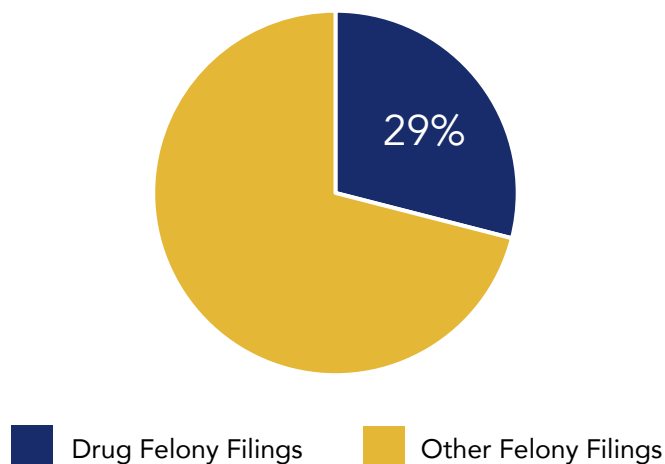


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 16th Judicial District increased 54% in 2018. The district has experienced a 447% increase since 2012.

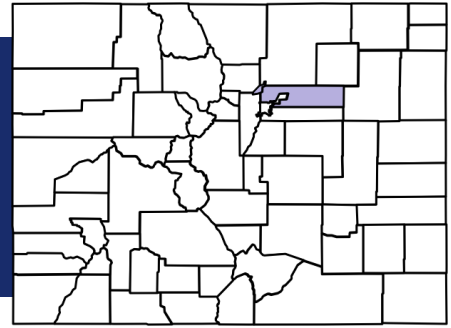
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



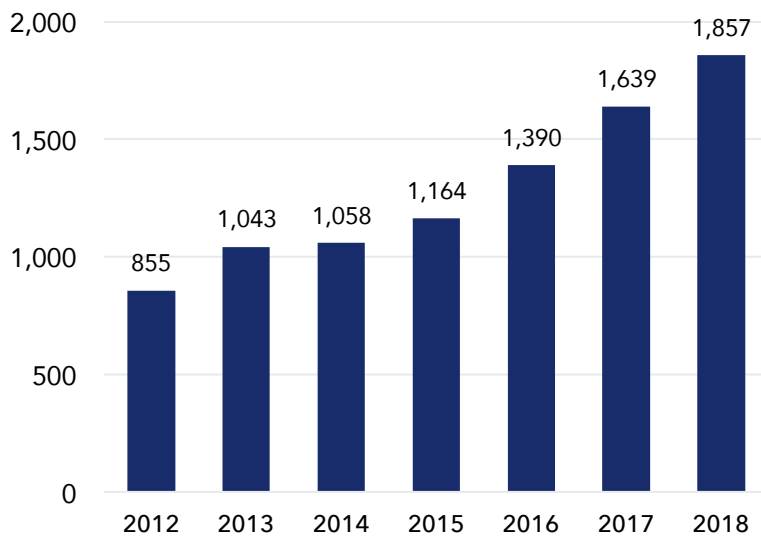
In 2018, drug felony filings accounted for 29% of total felony filings, compared to 11% in 2012.¹⁻²

17th Judicial District

Counties: Adams, Broomfield

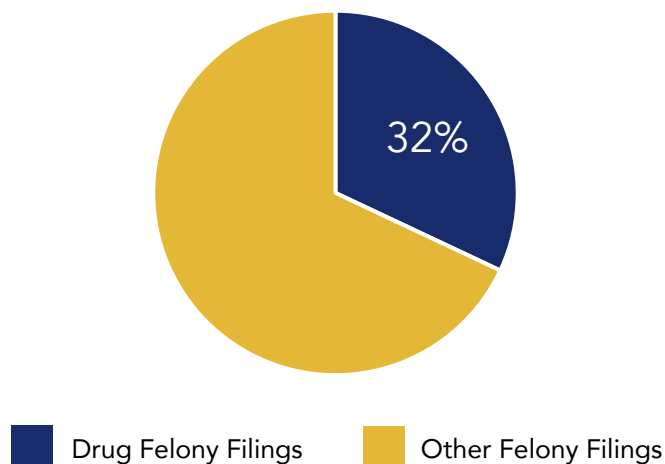


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 17th Judicial District increased 13% in 2018. The district has experienced a 117% increase since 2012.

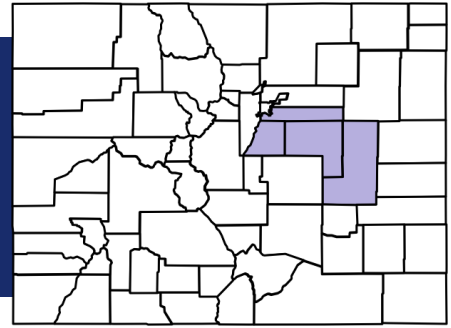
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



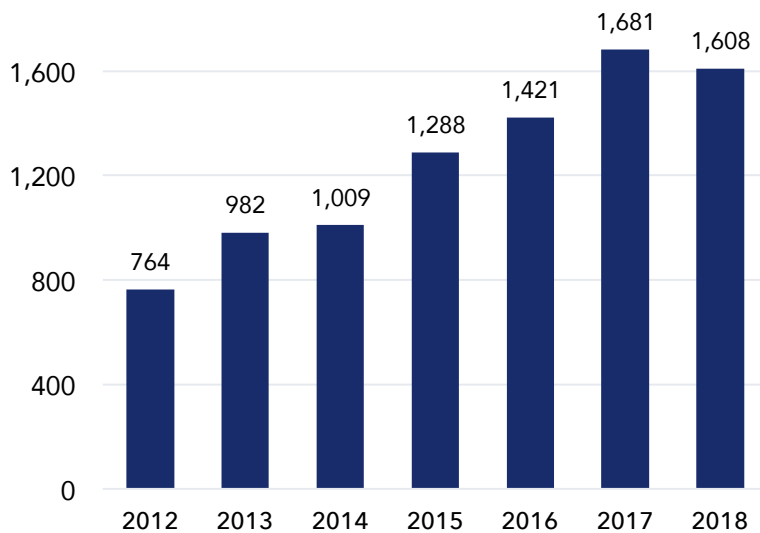
In 2018, drug felony filings accounted for 32% of total felony filings, compared to 23% in 2012.¹⁻²

18th Judicial District

Counties: Arapahoe, Douglas, Elbert, Lincoln

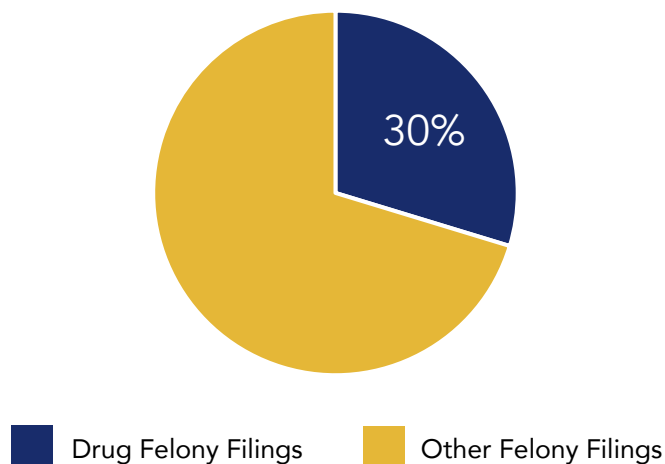


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 18th Judicial District decreased 4% in 2018. The district has experienced a 110% increase since 2012.

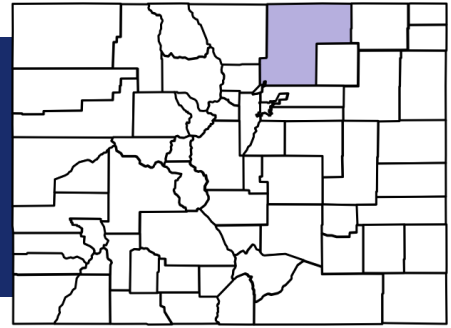
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



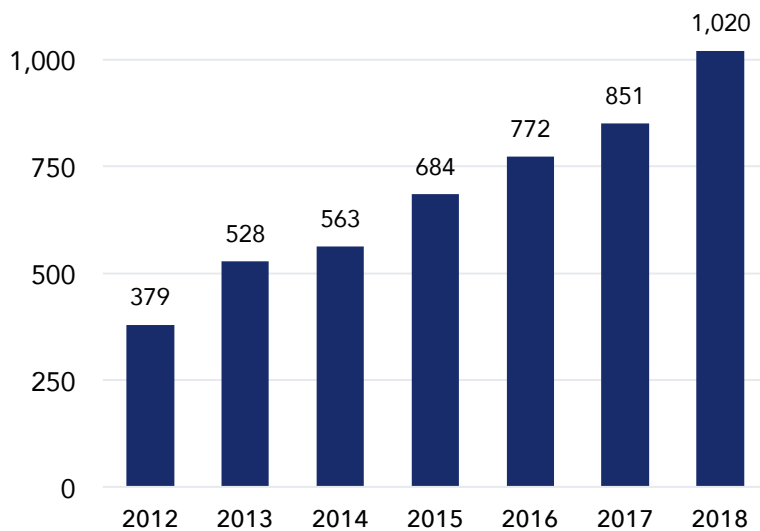
In 2018, drug felony filings accounted for 30% of total felony filings, compared to 21% in 2012.¹⁻²

19th Judicial District

Counties: Weld

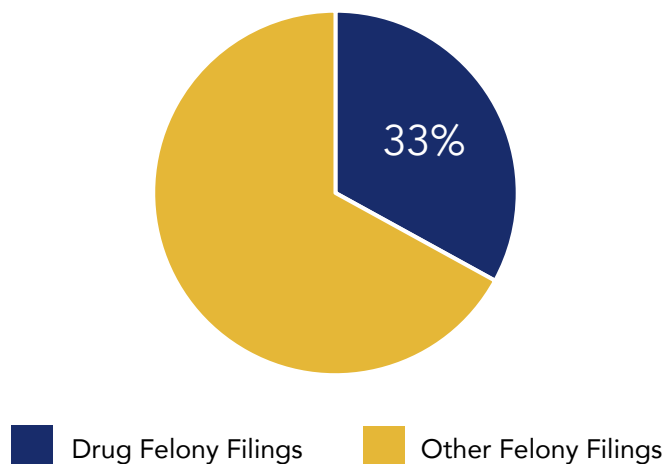


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 19th Judicial District increased 20% in 2018. The district has experienced a 169% increase since 2012.

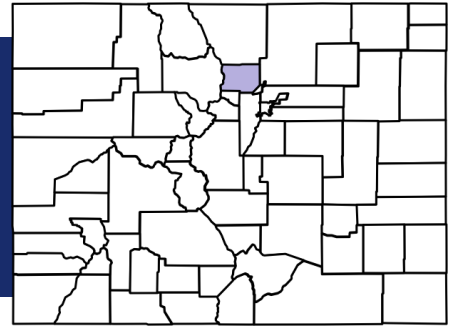
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



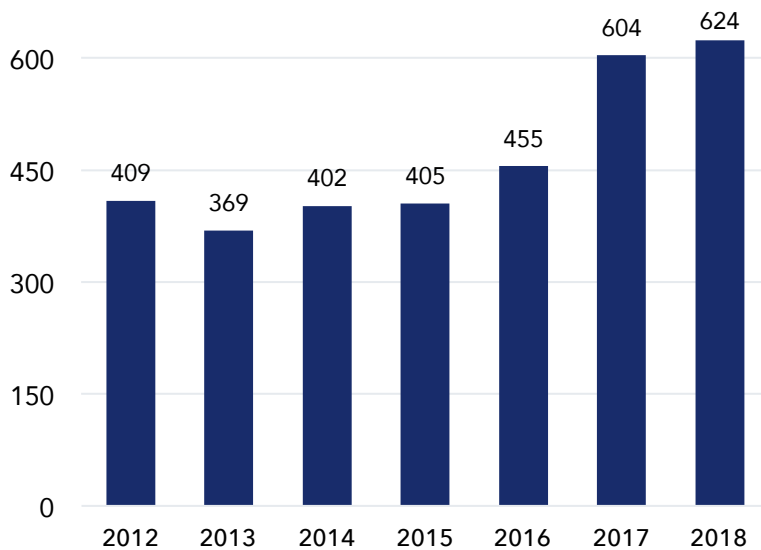
In 2018, drug felony filings accounted for 33% of total felony filings, compared to 19% in 2012.¹⁻²

20th Judicial District

Counties: Boulder

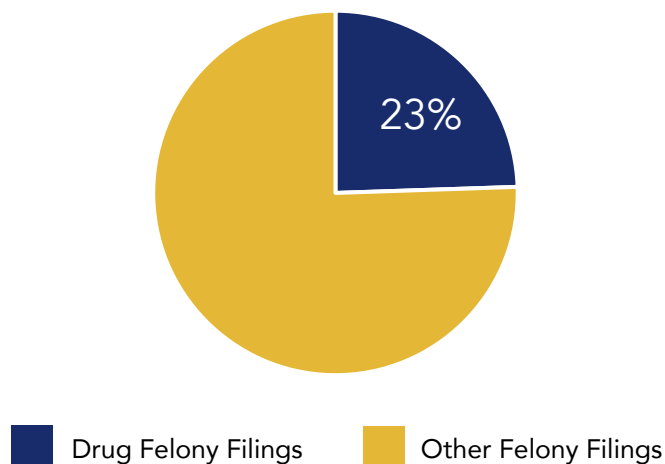


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 20th Judicial District increased 3% in 2018. The district has experienced a 53% increase since 2012.

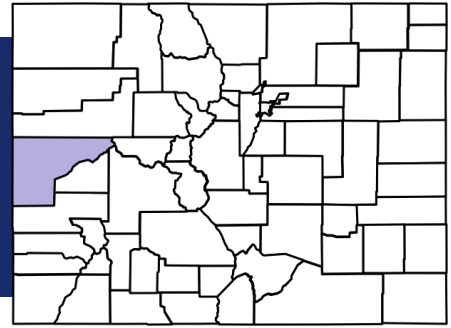
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



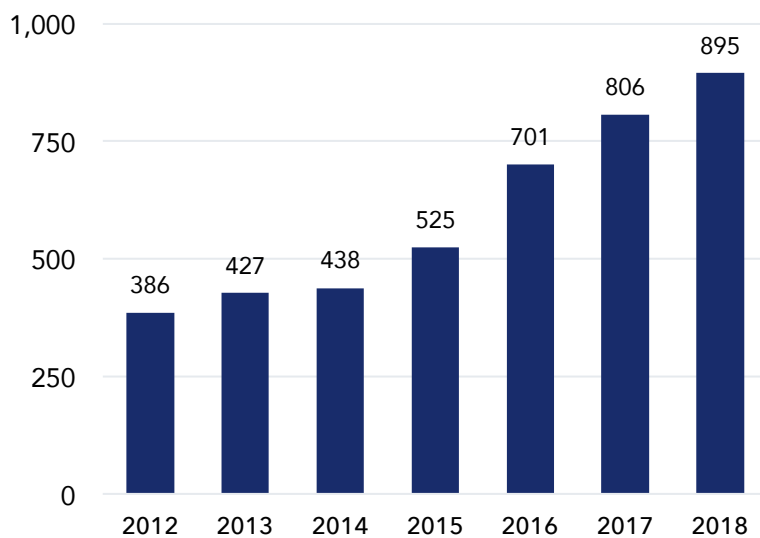
In 2018, drug felony filings accounted for 23% of total felony filings, compared to 20% in 2012.¹⁻²

21st Judicial District

Counties: Mesa

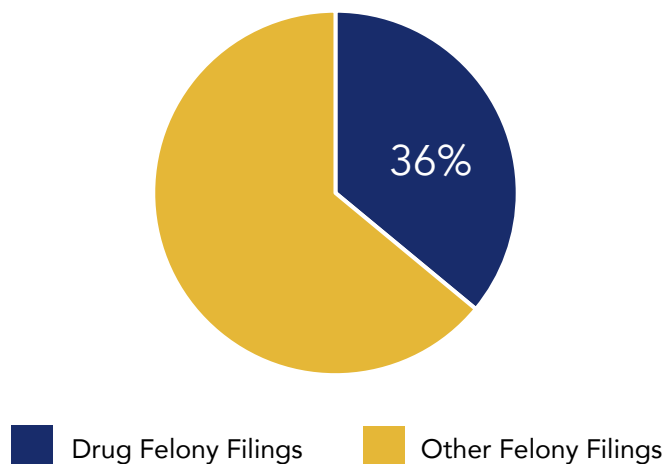


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 21st Judicial District increased 11% in 2018. The district has experienced a 132% increase since 2012.

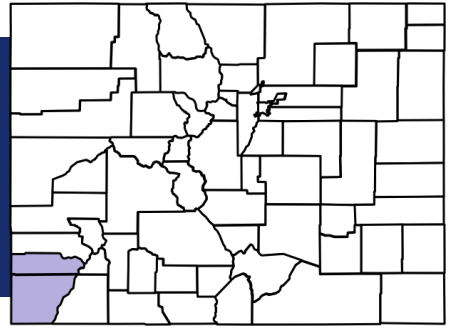
Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



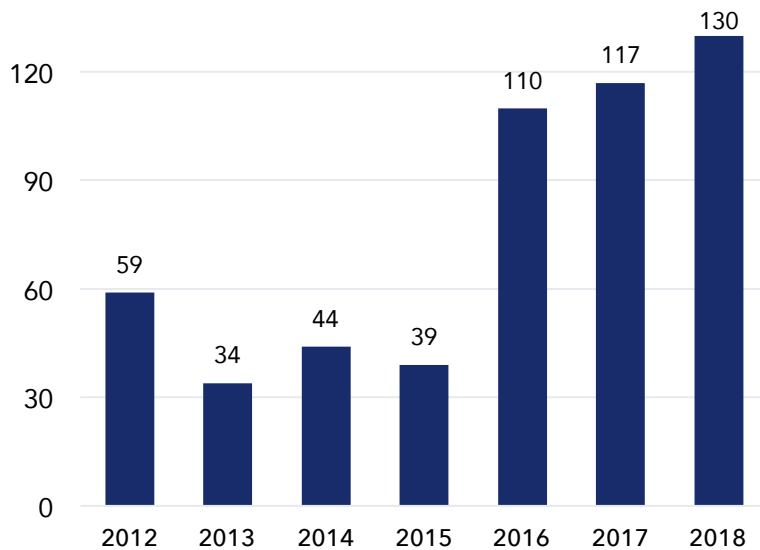
In 2018, drug felony filings accounted for 36% of total felony filings, compared to 26% in 2012.¹⁻²

22nd Judicial District

Counties: Dolores, Montezuma

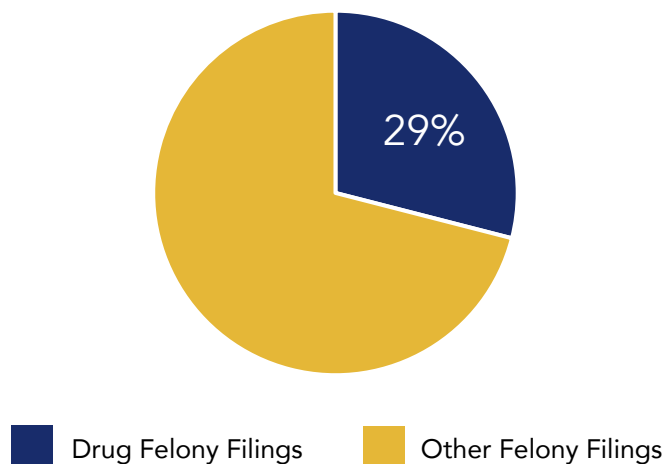


Drug Felony Case Filings: FY 2012-FY 2018¹⁻²



The number of drug felony cases filed in Colorado's 22nd Judicial District increased 11% in 2018. The district has experienced a 120% increase since 2012.

Drug Felony Filings as a Proportion of Total Felony Filings: 2018²



In 2018, drug felony filings accounted for 29% of total felony filings, compared to 18% in 2012.¹⁻²

Sources

- ¹ *Analysis of Felony Drug Filings By Judicial District*, prepared by the Office of the Colorado State Public Defender (2018)
- ² *Annual Statistical Report: Fiscal Year 2018*, Colorado Judicial Branch
- ³ *Staff Budget Briefings: Department of Corrections, FY 2012-FY 2019*, Colorado General Assembly Joint Budget Committee
- ⁴ *Appropriations Report Fiscal Year 2018-19*, Colorado General Assembly Joint Budget Committee
- ⁵ Court records extracted from the Colorado Judicial Branch's Integrated Colorado Online Network (ICON) information management system via the Colorado Justice Analytics Support System (CJASS) and analyzed by the Division of Criminal Justice/ORS (February 16, 2018). Excludes Denver County Court data.
- ⁶ *Data Prepared for the Prison Population and Capacity Needs Working Group*, Colorado Division of Criminal Justice (March 8, 2018)



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Appendix A



Colorado Survey Results

- Q1** I have a few questions for you today about prison spending and drug policy in Colorado. The first is about prison spending. Colorado prisons are nearly full and the Legislature must decide whether to spend \$30 million to open another prison or pursue alternatives to incarceration and other ways to safely reduce the prison population. Do you think the Legislature should spend \$30 million to open another prison, or focus on reducing the prison population?
- | | |
|--|-----|
| <i>Think the Legislature should spend \$30 million to open another prison.....</i> | 21% |
| <i>Think the Legislature should focus on reducing the prison population</i> | 67% |
| <i>Not sure</i> | 12% |
- Q2** Now I would like to ask you some questions about drug policy in Colorado. Do you strongly agree, somewhat agree, somewhat disagree or strongly disagree with the following statement: When it comes to addressing issues related to drug use, Colorado should focus more on prevention and treatment and less on incarceration and punishment.
- | | |
|--------------------------------|-----|
| <i>Strongly agree</i> | 57% |
| <i>Somewhat agree</i> | 22% |
| <i>Somewhat disagree</i> | 8% |
| <i>Strongly disagree.....</i> | 9% |
| <i>Not sure</i> | 4% |
- Q3** When it comes to reducing prison overcrowding in Colorado, do you think the Legislature should open another prison, or reduce the prison population by lowering the penalty for simple drug possession?
- | | |
|--|-----|
| <i>Think the Legislature should open another prison</i> | 25% |
| <i>Think the Legislature should reduce the prison population by lowering the penalty for simple drug possession.....</i> | 63% |
| <i>Not sure</i> | 13% |
- Q4** If you are a woman, press 1. If a man, press 2.
- | | |
|--------------------|-----|
| <i>Woman</i> | 53% |
| <i>Man.....</i> | 47% |
- Q5** If you are a Democrat, press 1. If a Republican, press 2. If an independent, press 3.
- | | |
|--------------------------|-----|
| <i>Democrat</i> | 43% |
| <i>Republican</i> | 33% |
| <i>Independent</i> | 25% |
- Q6** If you are Hispanic or Latino, press 1. If white, press 2. If other, press 3.
- | | |
|--------------------------------|-----|
| <i>Hispanic / Latino</i> | 14% |
| <i>White</i> | 79% |
| <i>Other.....</i> | 7% |
- Q7** If you are 18 to 29 years old, press 1. If 30 to 45, press 2. If 46 to 65, press 3. If you are older than 65, press 4.
- | | |
|----------------------------|-----|
| <i>18 to 29.....</i> | 14% |
| <i>30 to 45.....</i> | 21% |
| <i>46 to 65.....</i> | 38% |
| <i>Older than 65</i> | 27% |
- Q8** Mode
- | | |
|----------------------|-----|
| <i>Phone</i> | 60% |
| <i>Internet.....</i> | 40% |

January 18-20, 2019
Survey of 695 Colorado voters

3020 Highwoods Blvd.
Raleigh, NC 27604
information@publicpolicypolling.com / 888 621-6988



	Base	Gender	
		Woman	Man
Prison Spending: Open Another Prison / Focus on Reducing Prison Population			
Think the Legislature should spend \$30 million to open another prison	21%	17%	26%
Think the Legislature should focus on reducing the prison population	67%	68%	65%
Not sure	12%	15%	9%

	Base	Gender	
		Woman	Man
Statement: Colorado Should Focus More on Prevention and Treatment Agree/Disagree			
Strongly agree	57%	56%	58%
Somewhat agree	22%	26%	18%
Somewhat disagree	8%	9%	7%
Strongly disagree	9%	6%	14%
Not sure	4%	4%	3%

	Base	Gender	
		Woman	Man
Reducing Prison Overcrowding: Open Another Prison / Lower Penalty for Simple Drug Possession			
Think the Legislature should open another prison	25%	20%	29%
Think the Legislature should reduce the prison population by lowering the penalty for simple drug possession	63%	66%	59%
Not sure	13%	14%	11%

	Base	Party		
		Democrat	Republican	Independent
Prison Spending: Open Another Prison / Focus on Reducing Prison Population				
Think the Legislature should spend \$30 million to open another prison	21%	11%	30%	28%
Think the Legislature should focus on reducing the prison population	67%	80%	55%	60%
Not sure	12%	9%	15%	12%

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survey of 695 Colorado voters

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	Party			
	Base	Democrat	Republican	Independent
Statement: Colorado Should Focus More on Prevention and Treatment Agree/Disagree				
Strongly agree	57%	73%	40%	51%
Somewhat agree	22%	15%	29%	25%
Somewhat disagree	8%	4%	7%	16%
Strongly disagree	9%	3%	19%	7%
Not sure	4%	4%	5%	2%

	Party			
	Base	Democrat	Republican	Independent
Reducing Prison Overcrowding: Open Another Prison / Lower Penalty for Simple Drug Possession				
Think the Legislature should open another prison	25%	12%	38%	27%
Think the Legislature should reduce the prison population by lowering the penalty for simple drug possession	63%	76%	45%	63%
Not sure	13%	12%	16%	10%

	Race			
	Base	Hispanic / Latino	White	Other
Prison Spending: Open Another Prison / Focus on Reducing Prison Population				
Think the Legislature should spend \$30 million to open another prison	21%	15%	23%	16%
Think the Legislature should focus on reducing the prison population	67%	71%	66%	66%
Not sure	12%	13%	11%	18%

	Race			
	Base	Hispanic / Latino	White	Other
Statement: Colorado Should Focus More on Prevention and Treatment Agree/Disagree				
Strongly agree	57%	63%	57%	45%
Somewhat agree	22%	27%	20%	33%
Somewhat disagree	8%	5%	8%	10%
Strongly disagree	9%	1%	11%	6%
Not sure	4%	3%	4%	6%

	Base	Race		
		Hispanic / Latino	White	Other
Reducing Prison Overcrowding: Open Another Prison / Lower Penalty for Simple Drug Possession				
Think the Legislature should open another prison	25%	17%	26%	21%
Think the Legislature should reduce the prison population by lowering the penalty for simple drug possession	63%	56%	64%	58%
Not sure	13%	26%	9%	21%

	Base	Age			
		18 to 29	30 to 45	46 to 65	Older than 65
Prison Spending: Open Another Prison / Focus on Reducing Prison Population					
Think the Legislature should spend \$30 million to open another prison	21%	10%	23%	27%	18%
Think the Legislature should focus on reducing the prison population	67%	78%	66%	62%	68%
Not sure	12%	12%	11%	11%	14%

	Base	Age			
		18 to 29	30 to 45	46 to 65	Older than 65
Statement: Colorado Should Focus More on Prevention and Treatment Agree/Disagree					
Strongly agree	57%	78%	49%	52%	59%
Somewhat agree	22%	13%	28%	24%	19%
Somewhat disagree	8%	4%	10%	8%	9%
Strongly disagree	9%	3%	8%	14%	8%
Not sure	4%	2%	5%	2%	5%

	Base	Age			
		18 to 29	30 to 45	46 to 65	Older than 65
Reducing Prison Overcrowding: Open Another Prison / Lower Penalty for Simple Drug Possession					
Think the Legislature should open another prison	25%	15%	22%	32%	22%
Think the Legislature should reduce the prison population by lowering the penalty for simple drug possession	63%	73%	56%	61%	65%
Not sure	13%	12%	22%	8%	13%

	Base	Mode	
		Phone	Internet
Prison Spending: Open Another Prison / Focus on Reducing Prison Population			
Think the Legislature should spend \$30 million to open another prison	21%	26%	14%
Think the Legislature should focus on reducing the prison population	67%	62%	74%
Not sure	12%	12%	12%

	Base	Mode	
		Phone	Internet
Statement: Colorado Should Focus More on Prevention and Treatment Agree/Disagree			
Strongly agree	57%	54%	61%
Somewhat agree	22%	21%	24%
Somewhat disagree	8%	10%	4%
Strongly disagree	9%	11%	7%
Not sure	4%	4%	3%

	Base	Mode	
		Phone	Internet
Reducing Prison Overcrowding: Open Another Prison / Lower Penalty for Simple Drug Possession			
Think the Legislature should open another prison	25%	30%	17%
Think the Legislature should reduce the prison population by lowering the penalty for simple drug possession	63%	58%	69%
Not sure	13%	12%	13%

Appendix B

Colorado Drug Crime Classifications and Penalties

Schedule I substances include heroin, LSD, psilocybin and psilocyn (mushrooms), and cathinones (bath salts).

Schedule II substances include cocaine, methamphetamine, methadone, and prescription opioid painkillers such as morphine, codeine, and oxycodone.

Schedule III-V substances include anabolic steroids, many non-painkiller prescription drugs, and some prescription drugs that include low levels of Schedule II drugs, such as prescription cough medicine with codeine.

		DM2	DM1
		Minimum: 0 Months Maximum: 12 Months	Minimum: 6 Months Maximum: 18 Months
		Use: Any Schedule I, Schedule II, Schedule III, Schedule IV, or Schedule V substance	Possession: Any amount of a Schedule III, Schedule IV, or Schedule V substance, except flunitrazepam or ketamine Transfer (Sharing): ≤4g of a Schedule III or Schedule IV substance Sale: Any amount of a Schedule V substance
DF4	DF3	DF2	DF1
Presumptive: 6-12 Months Aggravated: 1-2 Years	Presumptive: 2-4 Years Aggravated: 4-6 Years	Presumptive: 4-8 Years Aggravated: 8-16 Years	Mandatory Minimum: 8 Years Maximum: 32 Years
Possession: Any amount of a Schedule I or Schedule II substance, ketamine, flunitrazepam, or cathinones Transfer (Sharing): ≤2g of heroin, ketamine, methamphetamine, or cathinones; ≤4g of any other Schedule I or Schedule II substance Sale: ≤4g of a Schedule III or Schedule IV substance Other: Sale of an imitation substance to an adult	Sale/Manufacture: ≤7g of heroin, ketamine, methamphetamine, or cathinones; ≤10mg of flunitrazepam; ≤14g of any other Schedule I or Schedule II substance Sale: >4g of a Schedule III or Schedule IV substance Other: Sale of an imitation substance to a minor	Sale/Manufacture: 7g-112g of heroin, methamphetamine, ketamine, or cathinones; 10mg-50mg of flunitrazepam; 14g-225g of any other Schedule I or Schedule II substance Sale: Any amount of a Schedule III, Schedule IV, or Schedule V substance to a minor by an adult 2+ years older	Sale/Manufacture: >112g of heroin, ketamine, methamphetamine, or cathinones; >50mg of flunitrazepam; >225g of any other Schedule I or II substance Sale: Any amount of a Schedule I or Schedule II substance to a minor by an adult 2+ years older Importation: >7g of heroin, ketamine, methamphetamine, or cathinones; >10mg of flunitrazepam; >14g of any other Schedule I or II substance