

For Immediate Release
Tuesday, May 28, 2019

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Colorado Enacts Major Drug Policy Reform Aimed at Prioritizing Treatment Over Incarceration, Alleviating Prison Overcrowding

***Gov. Jared Polis signed HB19-1263 into law Tuesday, which will lower the
penalty for low-level drug possession offenses from a felony to a misdemeanor***

***Statements below from bill sponsors and the Colorado Criminal Justice Reform
Coalition, which supported the legislation***

DENVER — Colorado Gov. Jared Polis signed a major drug policy reform bill into law Tuesday aimed at prioritizing treatment over incarceration and alleviating overcrowding in state prisons.

HB19-1263 lowers the penalty for most low-level drug possession offenses from a felony to a misdemeanor beginning in March 2020, and it dedicates funds to substance abuse treatment services and diversion programs. The bipartisan legislation was sponsored by Reps. Leslie Herod (D-Denver) and Shane Sandridge (R-Colorado Springs) and Sens. Pete Lee (D-Colorado Springs) and Vicki Marble (R-Fort Collins).

"We commend state lawmakers and Gov. Polis for enacting this thoughtful and vitally important reform of Colorado's drug policy," said Christie Donner, executive director of the Colorado Criminal Justice Reform Coalition, which lobbied in support of the bill. "It represents a major step toward treating drug use as a matter of public health rather than criminal justice in our state. Substance abuse and addiction are complex problems that cannot be solved by sending people to prison and saddling them with felony records."

Currently, possession of any amount of a schedule I or II drug is classified as a level 4 drug felony, which is punishable by six to 12 months in prison. After HB19-1263 takes effect, possession of up to four grams of a schedule I or II drug will be classified as a level 1 misdemeanor punishable by up to 180 days in jail and up to two years of probation. The punishment increases to up to 364 days in jail for a third offense, and a fourth or subsequent offense would be a level 4 drug felony. The legislation applies the same penalty reductions to possession of more than 12 ounces of marijuana or more than three ounces of marijuana concentrate. It does not make any changes related to drug distribution offenses.

HB19-1263 also directs \$1.8 million to the creation of a substance abuse and mental health services grant program that will provide resources to counties for treatment services and

diversion programs.

“The war on drugs has devastated communities across Colorado,” Herod said. “It has been especially destructive for communities of color, which are disproportionately impacted by harsh drug laws. Reducing the current felony penalty for possession is a critical step toward fair and sensible drug policy in Colorado. It reflects the position held by most Coloradans that the state should focus more on treatment and less on incarceration.”

In January, CCJRC [released a report](#) detailing the recent increase in drug felony filings in Colorado and how it is driving up the state's prison population and budget. Annual drug felony case filings have increased 123% since 2012, during which time the state’s prison budget has grown by more than 25%. Drug felony case filings accounted for 30% of total felony case filings in 2018.

“This legislation focuses on addressing drug abuse as a public health issue, rather than wasting resources and money incarcerating people who are in need of treatment,” Lee said. “It will help non-violent drug offenders get the resources they need without straining Colorado's already overcrowded prisons.”

The report also included the results of a statewide survey, which found four out of five Colorado voters (79%) want the state to focus more on prevention and treatment and less on punishment and incarceration when it comes to addressing issues related to drug use.

Nearly 20 states, D.C., and the federal government have some level of misdemeanor offense for possession of schedule I or II controlled substances. Five of those states — California, Alaska, Utah, Oklahoma and Connecticut — have reclassified drug possession from a felony to misdemeanor since 2014.

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The Colorado Criminal Justice Reform Coalition is a non-profit organization dedicated to eliminating the overuse of the criminal justice system and advancing community health and safety. For more information, visit <https://www.ccjrc.org>.