

AMENDED RECEIVED

JAN 06 2012 S.WARD

ELECTIONS/LICENSING SECRETARY OF STATE

12:30P.M.

Be it enacted by the people of Colorado

Article XVIII of the constitution of the state of Colorado is amended BY THE ADDITION OF A NEW SECTION to read:

Section 16. Relief for the possession of cannabis.

(1) Purpose and findings.

(a) THE PURPOSE OF THIS SECTION IS TO DIRECT THE JUDICIARY BRANCH OF ALL GOVERNING BODIES IN THE STATE OF COLORADO TO PROHIBIT AND RELIEVE THEIR COURTS FROM IMPOSING ANY FINE OR SENTENCE FOR THE POSSESSION OF CANNABIS.

(b) IT IS IN THE INTEREST OF THE PEOPLE OF THE STATE OF COLORADO THAT THE COURTS BE PROHIBITED AND RELIEVED FROM IMPOSING A FINE OR SENTENCE FOR THE POSSESSION OF CANNABIS BECAUSE THE PEOPLE FIND THAT THE PUNISHMENT FOR POSSESSION OF CANNABIS EXCEEDS THE FISCAL AND SOCIAL COSTS THAT POSSESSING CANNABIS IMPOSES ON THE PEOPLE OF COLORADO.

(c) IT IS IN THE INTEREST OF THE PEOPLE OF THE STATE OF COLORADO THAT THE COURTS BE PROHIBITED AND RELIEVED FROM IMPOSING A FINE OR SENTENCE FOR THE POSSESSION OF CANNABIS BECAUSE THE PEOPLE FIND THAT THE PUNISHMENT IS INCONSISTENT WITH THE DAMAGE POSSESSING CANNABIS IMPOSES ON THE PEOPLE OF COLORADO.

(d) THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT IT IS NECESSARY TO ENSURE CONSISTENCY AND FAIRNESS IN THE APPLICATION OF THIS SECTION THROUGHOUT THE STATE, AND THAT, THEREFORE, THE MATTERS ADDRESSED BY THIS SECTION ARE DECLARED TO BE MATTERS OF STATEWIDE CONCERN.

(2) Definitions. AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CANNABIS" MEANS

- (I) THE GENUS OF THE CANNABIS PLANT AND ALL ITS SPECIES, LIVING OR DEAD,
- (II) AND IN ANY AMOUNT.

(b) "COURTS" MEAN ALL TRIBUNALS ESTABLISHED FOR THE PURPOSE OF ADMINISTERING JUSTICE, INCLUDING ANY JUDICIAL OFFICERS OR "OTHER COURTS" ESTABLISHED BY THE GENERAL ASSEMBLY OF COLORADO AND ALL

MUNICIPAL AND POLICE COURTS ESTABLISHED BY HOME RULE CITIES AND TOWNS.

(c) "POSSESSION OF CANNABIS" MEANS HAVING CANNABIS:

- (I) IN OR ON ONE'S BODY OR CLOTHING OR;
- (II) WITHIN ONE'S BUILDING THAT A PERSON OWNS OR;
- (III) WITHIN ONE'S AUTO.

d) "RELIEVE" MEANS ALLEVIATE.

(3) Other laws unchanged.

NOTHING IN THIS ACT SHALL BE CONSTRUED TO MODIFY ANY PROVISION OF THIS ARTICLE OR ANY OTHER CONSTITUTIONAL OR STATUTORY PROVISION CONCERNING CANNABIS.

(4) Costs of implementing this section.

THIS SECTION ADDS NO FISCAL COSTS TO THE STATE AND IMPOSES NO TAX UPON THE PEOPLE OF THE STATE.

(5) Self-executing, conflicting provisions.

THIS SECTION IS SELF-EXECUTING AND SHALL SUPERCEDE ANY CONFLICTING STATE, LOCAL, OR MUNICIPAL STATUTES, CODES, ORDINANCES, OR PROVISIONS.

(6) Effective date.

THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION OF THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR, PURSUANT TO SECTION 1(4) OF ARTICLE V OF THIS CONSTITUTION AND SHALL BE APPLIED TO ANYONE WHO HAS A SENTENCING HEARING ON OR AFTER SUCH DATE.

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AMENDED

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