

ORIGINAL
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JAN 06 2012

S. WARD

ELECTIONS/LICENSING
SECRETARY OF STATE

12:30 P.M.

Be it enacted by the People of Colorado

Article XVIII of the Constitution of Colorado is amended by the addition of a new Section to read:

Section 17. Relief for the Possession of Cannabis

1. Purpose and Findings.

- (A) THE PURPOSE OF THIS SECTION IS TO PROHIBIT AND RELIEVE ANY COURT IN THE STATE OF COLORADO 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 WE 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 WE 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 ASSURE 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.

“CANNABIS” MEANS THE GENUS OF THE CANNABIS PLANT AND ALL ITS SPECIES, LIVING OR DEAD.

“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.

“POSSESSION OF CANNABIS” MEANS HAVING CANNABIS IN OR ON THE BODY OR DOMICILE OF A PERSON.

“RELIEVE” MEANS ALLEVIATE.

3. Other laws unchanged.

NOTHING IN THIS ACT SHOULD BE CONSTRUED TO MODIFY ARTICLE XVIII, SECTION 14 OF THE CONSTITUTION OF COLORADO NOR ANY OTHER CONSTITUTIONAL AMENDMENTS OR LAWS CREATED BY THE GENERAL ASSEMBLY CONCERNING CANNABIS.

4. Costs of implementing this Section.

THIS SECTION ADDS NO FISCAL COSTS TO NOR DOES IT COLLECT ANY TAX FROM THE PEOPLE OF COLORADO.

5. Self-executing, conflicting provisions.

THIS SECTION IS SELF-EXECUTING AND SHALL SUPERSEDE CONFLICTING STATE STATUTORY, LOCAL, CHARTER, ORDINANCES, OR RESOLUTIONS AND OTHER STATE AND LOCAL PROVISIONS.

6. Effective date.

THIS SECTION SHALL BECOME EFFECTIVE UPON OFFICIAL DECLARATION BY THE VOTE HEREON BY PROCLAMATION OF THE GOVERNOR, PURSUANT TO SECTION 1(4) OF ARTICLE V.

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