

LEVEL 2 DRUG FELONIES

Elements of Offense

C.R.S. Citation

CRIMINAL CODE — INCHOATE OFFENSES

Inchoate Offenses

1. ***Criminal attempt.*** If a person intentionally engages in conduct that constitutes a substantial step toward the commission of a level 1 drug felony, that person commits a level 2 drug felony. 18-2-101 (10)
2. ***Criminal conspiracy.*** A person who agrees with another person to engage in conduct that constitutes a level 1 drug felony or an attempt to commit a level 1 drug felony, with the intent to facilitate or promote the commission of such a crime, or agrees to aid another person in planning or committing the crime or attempting to commit the crime, commits a level 2 drug felony. 18-2-206 (7)

CRIMINAL CODE — UNIFORM CONTROLLED SUBSTANCES ACT OF 1992

Unlawful Distribution, Manufacturing, Dispensing, or Sale

3. ***Unlawful distribution, manufacturing, dispensing, sale, or possession.*** Any person who: knowingly manufactures, dispenses, sells, or distributes, or possesses with the intent to manufacture, dispense, sell, or distribute, a controlled substance; induces, attempts to induce, or conspires with one or more persons to manufacture, dispense, sell, distribute; possesses with intent to manufacture, dispense, sell, or distribute such a controlled substance; or possesses one or more chemicals, supplies, or pieces of equipment with the intent to manufacture such a controlled substance, commits a level 2 drug felony if it involves any material, compound, mixture, or preparation that weighs:
 - more than 14 grams, but not more than 225 grams, and contains a controlled substance listed in schedule I or II of Part 2 of Article 18 of Title 18;
 - more than 7 grams, but not more than 112 grams, and contains methamphetamine, heroin, ketamine, or cathinone; or
 - more than 10 milligrams, but not more than 50 milligrams, and contains flunitrazepam.

Unlawful distribution, manufacture, dispensing, sale, or possession of a controlled substance is a level 2 drug felony if the offender is an adult who sells, dispenses, distributes, or otherwise transfers any quantity of a controlled substance listed on schedule III or IV of Part 2 of Article 18 of Title 18 or any material, compound, mixture, or preparation that contains any amount of such a substance to a minor when the adult is at least two years older than the minor. 18-18-405 (2) (b) (II)

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Offenses Relating to Marijuana

4. ***Offenses relating to marijuana and marijuana concentrate.*** Any person who sells, transfers, or dispenses more than six ounces, but not more than two and one-half pounds of marijuana or more than three ounces, but not more than one pound of marijuana concentrate to a minor commits a level 2 drug felony if the person is an adult and is two years older than the minor.

18-18-406 (1) (b)

Except as otherwise authorized by law, a person who knowingly dispenses, sells, distributes, or possesses with intent to manufacture, dispense, sell, or distribute marijuana or marijuana concentrate, or who attempts, induces, attempts to induce, or conspires with one or more persons to dispense, sell, distribute, or possess with intent to manufacture, dispense, sell, or distribute marijuana or marijuana concentrate commits a level 2 drug felony if the amount of marijuana is more than five pounds but not more than 50 pounds or the amount of marijuana concentrate is more than two and one-half pounds but not more than 25 pounds.

18-18-406 (2) (b) (III)
(B)
5. ***Unlawful distribution, manufacturing, dispensing, sale, or cultivation of synthetic cannabinoids or salvia divinorum.*** Any person who knowingly manufactures, dispenses, sells, distributes, or possesses with the intent to manufacture, dispense, sell, or distribute any amount of synthetic cannabinoid or salvia divinorum, or who induces, attempts to induce, or conspires with one or more persons to do so, or who cultivates salvia divinorum with the intent to dispense, sell, or distribute any amount of salvia divinorum to a minor who is less than 18 years of age commits a level 2 drug felony provided that the offender is at least 18 years of age and is at least two years older than the minor.

18-18-406.2 (3)

Other Violations

6. ***Unlawful possession of materials to make methamphetamine and amphetamine.*** Any person who possesses ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers, or salts of isomers with the intent to use such product as an immediate precursor in the manufacture of a controlled substance commits a level 2 drug felony.

18-18-412.5 (3)
7. ***Unlawful sale or distribution of materials to manufacture controlled substances.*** Any person who sells or distributes chemicals, supplies, or equipment, and who knows or reasonably should know or believes that a person intends to use the chemicals, supplies, or equipment to illegally manufacture a controlled substance commits a level 2 drug felony.

18-18-412.7 (2)