

LEVEL 3 DRUG FELONIES

Elements of Offense

C.R.S. Citation

CRIMINAL CODE — INCHOATE OFFENSES

Inchoate Offenses

1. ***Criminal attempt.*** Intentionally engaging in conduct that constitutes a substantial step toward the commission of a level 2 drug felony is a level 3 drug felony. 18-2-101 (10)
2. ***Criminal conspiracy.*** A person who agrees with another person to engage in conduct that constitutes a level 2 drug felony or an attempt to commit a level 2 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 3 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 3 drug felony if it involves any material, compound, mixture, or preparation that weighs:
 - not more than 14 grams and contains a controlled substance listed in schedule I or II of Part 2 of Article 18 of Title 18;
 - not more than 7 grams and contains methamphetamine, heroin, ketamine, or cathinone;
 - not more than 10 milligrams and contains flunitrazepam; or
 - more than 4 grams and contains a controlled substance listed in schedule III or IV of Part 2 of Article 18 of Title 18.18-18-405 (2) (c)

Offenses Relating to Marijuana

4. ***Offenses relating to marijuana and marijuana concentrate.*** Any person who sells, transfers, or dispenses more than one ounce, but not more than six ounces of marijuana or more than one-half ounce, but not more than three ounces, of marijuana concentrate to a minor commits a level 3 drug felony if the person is an adult and is two years older than the minor. 18-18-406 (1) (c)

Except as otherwise authorized by law, any person who knowingly processes or manufactures any marijuana or marijuana concentrate or who knowingly allows to be processed or manufactured on land owned, occupied, or controlled by him or her any marijuana or marijuana concentrate commits a level 3 drug felony. 18-18-406 (2) (a) (II)

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- 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 3 drug felony if the amount of marijuana is more than 12 ounces but not more than five pounds of marijuana or more than six ounces but not more than two and one-half pounds of marijuana concentrate.
- Any person who knowingly cultivates, grows, or produces a marijuana plant or knowingly allows a marijuana plant to be cultivated, grown, or produced on land that the person owns, occupies, or controls commits a level 3 drug felony if the offense involves more than 30 plants.
5. ***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 3 drug felony if it involves any material, compound, mixture, or preparation that weighs:
- not more than 14 grams and contains a controlled substance listed in schedule I or II of Part 2 of Article 18 of Title 18;
 - not more than 7 grams and contains methamphetamine, heroin, ketamine, or cathinone;
 - not more than 10 milligrams and contains flunitrazepam; or
 - more than 4 grams and contains a controlled substance listed in schedule III or IV of Part 2 of Article 18 of Title 18.
6. ***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 commits a level 3 drug felony.

Other Violations

7. ***Unlawful acts.*** It is a level 3 drug felony to knowingly transfer drug precursors to any persons who uses them for an unlawful activity.
- It is a level 3 drug felony to knowingly acquire or obtain, or to attempt to acquire or obtain, possession of a drug precursor by misrepresentation, fraud, forgery, deception, or subterfuge.
- It is a level 3 drug felony to knowingly furnish false or fraudulent material information in, or to omit any material information from, any application, report, or other document required to be kept or filed under the Uniform Controlled Substances Act of 1992, Part 1 of Article 42.5 of Title 12, or Part 2 of Article 80 of Title 27.
- It is a level 3 drug felony to refuse entry into any premises for any inspection authorized by the Uniform Controlled Substances Act of 1992, Part 1 of Article 42.5 of Title 12, or Part 2 of Article 80 of Title 27.

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8. ***Controlled substances - inducing consumption by fraudulent means.*** Any person who, surreptitiously or by means of fraud, misrepresentation, suppression of truth, deception, or subterfuge, causes any other person to unknowingly consume or receive the direct administration of any controlled substance, commits a level 3 drug felony. 18-18-416 (2)
9. ***Imitation controlled substances.*** Any adult who distributes an imitation controlled substance to a minor commits a level 3 drug felony if the adult is at least two years older than the minor. 18-18-422 (2) (a)
10. ***Counterfeit substances.*** Any person who knowingly or intentionally manufactures, delivers, or possesses with the intent to manufacture or deliver, a controlled substance which, or the container or label of, bears the unauthorized trademark, trade name, or other identifying mark, imprint, number, or device of a manufacturer, distributor, or dispenser, other than the person who in fact manufactured, distributed, or dispensed the substance commits a level 3 drug felony. 18-18-423 (3)
- Any person who knowingly or intentionally makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another upon any drug, container, or label commits a level 3 drug felony. 18-18-423 (3)