

LEVEL 4 DRUG FELONIES

Elements of Offense

C.R.S. Citation

CRIMINAL CODE — INCHOATE OFFENSES

Inchoate Offenses

1. ***Criminal attempt.*** A person who intentionally engages in conduct that constitutes a substantial step toward the commission of a level 3 drug felony commits a level 4 drug felony. 18-2-101 (10)
2. ***Criminal conspiracy.*** A person who agrees with another person to engage in conduct that constitutes a level 3 drug felony or an attempt to commit a level 3 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 4 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 4 drug felony if it involves:
 - any material, compound, mixture, or preparation that weighs not more than four grams and contains a controlled substance listed in schedule III or schedule IV of Part 2 of Article 18 of Title 18; or
 - distribution or transfer of the controlled substance for the purpose of consuming all of the controlled substance with another person or persons at a time substantially contemporaneous with the transfer, provided that the transfer involves not more than four grams of a controlled substance listed in schedule I or II of Part 2 of Article 18 of Title 18 or not more than two grams of methamphetamine, heroin, ketamine, or cathinone.18-18-405 (2) (d)

Unlawful Possession and Use of a Controlled Substance

4. ***Unlawful possession of a controlled substance.*** Possession of any material, compound, mixture, or preparation that contains any quantity of flunitrazepam, ketamine, or a controlled substance listed in schedule I or II of Part 2 of Article 18 of Title 18 is a level 4 drug felony. 18-18-403.5 (2) (a)

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Offenses Relating to Marijuana

5. ***Offenses relating to marijuana and marijuana concentrate.*** Any person who sells, transfers, or dispenses not more than one ounce of marijuana or not more than one-half ounce of marijuana concentrate to a minor commits a level 4 drug felony if the person is an adult and is two years older than the minor. 18-18-406 (1) (d)
- 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 4 drug felony if the amount of marijuana is more than 4 ounces but not more than 12 ounces of marijuana, or more than 2 ounces but not more than 6 ounces of marijuana concentrate. 18-18-406 (2) (b) (III) (D)
- 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 4 drug felony if the offense involves more than 6 but not more than 30 plants. 18-18-406 (3) (b)
- Any person who possesses more than 12 ounces of marijuana or more than 3 ounces of marijuana concentrate commits a level 4 drug felony. 18-18-406 (4) (a)
6. ***Unlawful acts.*** It is a level 4 drug felony to dispense or possess a controlled substance listed in schedule I of Part 2 of Article 18 of Title 18, unless the person is a researcher who is registered under federal law to conduct research with that controlled substance. 18-18-414 (1) (a)
- Except in emergency situations, all controlled substances listed in schedule II of Part 2 of Article 18 of Title 18 must be dispensed from a pharmacy pursuant to a written or electronically submitted order or by a practitioner in the course of his or her professional practice. Any person who violates this requirement commits a level 4 drug felony. 18-18-414 (1) (b)
- All controlled substances listed in schedules III, IV, or V of Part 2 of Article 18 of Title 18 must be dispensed from a pharmacy pursuant to a written, oral, mechanically produced, computer generated, electronically transmitted, or facsimile transmitted order or by a practitioner in the course of his or her professional practice. Any person who violates this requirement commits a level 4 drug felony. 18-18-414 (1) (c)
- It is a level 4 drug felony to dispense any marijuana or marijuana concentrate. 18-18-414 (1) (d)
7. ***Fraud and deceit.*** Any person who violates any of the provisions of section 18-18-415 concerning the use of fraud and deceit to obtain a controlled substance commits a level 4 drug felony. 18-18-415 (2) (a)
8. ***Imitation controlled substances.*** Any person who manufactures, distributes, or possesses with the intent to distribute an imitation controlled substance commits a level 4 drug felony, unless the person is a practitioner who dispenses the imitation controlled substance in the lawful course of his or her professional practice. 18-18-422 (1) (b) (I)