

DRUG FELONIES

Pursuant to Senate Bill 13-250, which was enacted in 2013, drug-related felonies committed on or after October 1, 2013, are subject to a different sentencing scheme than other felonies. Previously, the sentencing scheme for drug felonies was the same as the scheme for other felonies. This section contains a current listing of drug felonies. Drug felonies are categorized as follows: level 1, level 2, level 3, and level 4. The penalty for the commission of a certain drug felony depends on its classification. The sentencing scheme for felonies is indicated in Table 2 below.

Table 2
Sentencing Scheme for Drug Felonies Committed on or After October 1, 2013

Level	Minimum Sentence	Maximum Sentence	Mandatory Parole
Level 1	8 years, \$5,000 fine, or both	32 years, \$1 million fine, or both	3 years
Level 2 Aggravated*	8 years, \$3,000 fine, or both	16 years, \$750,000 fine, or both	2 years
Level 2	4 years, \$3,000 fine, or both	8 years, \$750,000 fine, or both	2 years
Level 3 Aggravated*	4 years, \$2,000 fine, or both	6 years, \$500,000 fine, or both	1 year
Level 3	2 years, \$2,000 fine, or both	4 years, \$500,000 fine, or both	1 year
Level 4 Aggravated*	1 year, \$1,000 fine, or both	2 years, \$100,000 fine, or both	1 year
Level 4	6 months, \$1,000 fine, or both	1 year, \$100,000 fine, or both	1 year

** The presence of certain aggravating circumstances requires sentencing under the aggravated scheme. Aggravating factors are: the defendant was on parole for another felony; the defendant was under confinement, in prison, or in any correctional facility as a convicted felon or was an escapee; the defendant was on probation for or on bond while awaiting sentencing following revocation of probation for a delinquent act that, if committed by an adult, would constitute a felony; whether the offense was part of a pattern of manufacturing, selling, dispensing, or distributing controlled substances; the offender used, displayed, or possessed a deadly weapon in the course of the offense; or the offender used a child as his or her agent during the course of the offense (Section 18-18-407, C.R.S.). Section 18-1.3-401.5, C.R.S., provides several other circumstances in which an offender must or may be sentenced to a term of more than the presumptive range.*

It is important to note that not all persons convicted of a felony drug offense receive a sentence to prison. Colorado law authorizes many alternatives to prison including deferred prosecution, deferred sentencing, probation, and community corrections. In addition, there are several special sentencing categories that may increase or decrease the presumptive sentencing range for a felony.

The crimes in this listing are grouped according to the statutory title in which they appear.

All listings are current through the 2014 regular session laws.