

## LEVEL 1 DRUG MISDEMEANORS

### Elements of Offense

### C.R.S. Citation

#### CRIMINAL CODE — INCHOATE OFFENSES

##### **Criminal Attempt**

1. ***Criminal attempt.*** Intentionally engaging in conduct that constitutes a substantial step towards the commission of a level 4 drug felony is a level 1 drug misdemeanor. 18-2-101 (10)

##### **Criminal Conspiracy**

2. ***Criminal conspiracy.*** A person who agrees with another person to engage in conduct that constitutes a level 4 drug felony, or who agrees to attempt to commit a level 4 drug felony, or who agrees to aid another in the planning, commission, or attempt to commit a level 4 drug felony, with the intent to facilitate or promote commission of such crime, commits a level 1 drug misdemeanor. 18-2-206 (7)

#### CRIMINAL CODE — UNIFORM CONTROLLED SUBSTANCES ACT OF 1992

##### **Unlawful Possession and Use of a Controlled Substance**

3. ***Unlawful possession of a controlled substance.*** Possession of any material, compound, mixture, or preparation that contains any quantity of a controlled substance listed in schedule III, IV, or V of Part 2 of Article 18 of Title 18 is a level 1 drug misdemeanor, except for possession of flunitrazepam or ketamine. 18-18-403.5 (2) (c)

##### **Unlawful Distribution, Manufacturing, Dispensing, or Sale**

4. ***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 1 drug misdemeanor if the violation involves a controlled substance listed in schedule V of Part 2 of Article 18 of Title 18 or a transfer with no remuneration of not more than four grams of a controlled substance listed in schedule III or schedule IV of Part 2 of Article 18. 18-18-405 (2) (e)

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### Offenses Relating to Marijuana

5. **Offenses relating to marijuana and marijuana concentrate.** A person who possesses more than 6 ounces of marijuana but not more than 12 ounces of marijuana or not more than 3 ounces of marijuana concentrate commits a level 1 drug misdemeanor. 18-18-406 (4) (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 1 drug misdemeanor if the amount is not more than 4 ounces of marijuana or not more than 2 ounces of marijuana concentrate. 18-18-406 (2) (b) (III) (E)
- 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 1 drug misdemeanor if the offense involves not more than six plants. 18-18-406 (3) (c)
6. **Unlawful use of marijuana in a detention facility.** Any person confined in any detention facility who possesses or uses up to 8 ounces of marijuana commits a level 1 drug misdemeanor. 18-18-406.5 (1)
- Any person confined in any detention facility who possesses or uses 8 ounces or more of marijuana commits a level 1 drug misdemeanor. 18-18-406.5 (2)

### Other Violations

7. **Keeping, maintaining, controlling, renting, or making available property for the unlawful distribution or manufacture of controlled substances.** Any person who knowingly or intentionally keeps, maintains, controls, rents, leases, or makes available for use any store, shop, warehouse, dwelling, building, vehicle, vessel, aircraft, room, enclosure, or other structure or place, which that person knows is resorted to for the purpose of keeping for distribution, transporting for distribution, or distributing controlled substances in violation of law commits a level 1 drug misdemeanor. 18-18-411 (4)
- Any person who knowingly or intentionally opens or maintains any place that he or she knows is resorted to for the purposes of unlawfully manufacturing a controlled substance, or who knowingly or intentionally rents, leases, or makes available for use, with or without compensation, a building, room, or enclosure that he or she knows is resorted to for the purpose of unlawfully manufacturing a controlled substance commits a level 1 drug misdemeanor. 18-18-411 (4)
8. **Imitation controlled substances.** Any person who places in a newspaper, magazine, handbill, or other publication or who posts or distributes in a public place an advertisement or solicitation that the person knows will promote the distribution of imitation controlled substances commits a level 1 drug misdemeanor. 18-18-422 (3) (b)