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August 1, 2016

TO: Interstate Commission for Adult Offender Supervision

FROM: Mike Garcia, Director of Probation Services
Devon Whitefield, DCA for Probation
Colorado Judicial Branch

SUBJECT: Colorado HB 15-1267 Amendment

In 2015, Colorado informed Compact states that HB 15-1267 authorized probationers to use or possess medical marijuana except in very limited circumstances. Effective August 10, 2016, HB 16-1359 amends this 2015 statutory provision. Pursuant to the 2016 legislation, an adult probationer who possesses a medical marijuana registry identification card ***issued by Colorado*** is permitted to possess and use medical marijuana unless the probationer was convicted of violating Colorado's medical marijuana laws (Title 12, Article 43.3 of the Colorado Revised Statutes) or the sentencing court determines, based on any material evidence, that prohibiting the possession or use of medical marijuana is necessary and appropriate ***to accomplish the goals of sentencing as stated in § 18-1-102.5, C.R.S.***

Because incoming Compact probationers must comply with Colorado law, Colorado will not enforce a sending state's probation condition if that condition is inconsistent with HB 16-1359. Instead, if Colorado accepts an incoming probationer and the probationer obtains a Colorado medical marijuana registry identification card, the probationer will be permitted to use/possess medical marijuana unless the ***sending state's sentencing court*** makes the statutorily required finding that, based on any material evidence, prohibiting the possession or use of medical marijuana is necessary and appropriate to accomplish the goals of sentencing ***as stated in § 18-1-102.5, C.R.S.***

Cc: Alison Morgan, Colorado Commissioner
Merideth McGrath, DCA for Parole