A BILL FOR AN ACT

CONCERNING THE CLARIFICATION OF DISQUALIFYING A RECIPIENT FROM PARTICIPATING IN A PUBLIC ASSISTANCE PROGRAM WHEN THE RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL VIOLATION OF THE PROGRAM.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://leg.colorado.gov.)

Current law disqualifies a recipient who is found to have committed an intentional violation from participation in any public assistance program for a specified amount of time. The bill clarifies that
a recipient who is found to have committed an intentional violation is
only disqualified from participating in the public assistance program in
which the recipient is found to have committed the intentional violation.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 26-1-127, amend (1) and (1.5) as follows:

26-1-127. Fraudulent acts. (1) Any person who obtains or any
person who willfully aids or abets another to obtain public assistance or
vendor payments or medical assistance as defined in this title TITLE 26 to
which the person is not entitled or in an amount greater than that to which
the person is justly entitled or payment of any forfeited installment grants
or benefits to which the person is not entitled or in a greater amount than
that to which the person is entitled, by means of a willfully false
statement or representation, or by impersonation, or by any other
fraudulent device, commits the crime of theft, which crime shall be is
classified in accordance with section 18-4-401 (2) C.R.S., and which
crime shall be is punished as provided in section 18-1.3-401 C.R.S., if the
crime is classified as a felony, or section 18-1.3-501 C.R.S., if the crime
is classified as a misdemeanor. To the extent not otherwise prohibited by
state or federal law, any person violating the provisions of this subsection
(1) is disqualified from participation in any THE public assistance program
under article 2 of this title TITLE 26 IN WHICH A RECIPIENT IS FOUND TO
HAVE COMMITTED AN INTENTIONAL PROGRAM VIOLATION for one year for
a first offense, two years for a second offense, and permanently for a third
or subsequent offense. Such disqualification is mandatory and is in
addition to any other penalty imposed by law.

(1.5) To the extent not otherwise prohibited by state or federal
law, any person against whom a county department of social services or
the state department obtains a civil judgment in a state or federal court of
record in this state based on allegations that the person obtained or
willfully aided and abetted another to obtain public assistance or vendor
payments or medical assistance as defined in this title TITLE 26 to which
the person is not entitled or in an amount greater than that to which the
person is justly entitled or payment of any forfeited installment grants or
benefits to which the person is not entitled or in a greater amount than
that to which the person is entitled, by means of a willfully false
statement or representation, or by impersonation, or by any other
fraudulent device, is disqualified from participation in any THE public
assistance program under article 2 of this title TITLE 26 IN WHICH A
RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM
VIOLATION for one year for a first incident, two years for a second
incident, and permanently for a third or subsequent incident. Such
disqualification is mandatory and is in addition to any other remedy
available to a judgment creditor.

SECTION 2. In Colorado Revised Statutes, 26-2-128, amend (1)
introductory portion as follows:

26-2-128. Recovery from recipient - estate. (1) If, at any time
during the continuance of public assistance, the recipient thereof becomes
possessed of any property having a value in excess of that amount set
pursuant to the provisions of section 26-2-109 and the rules of the state
department or receives any increase in income, it shall be the duty of the
recipient to SHALL notify the county department of the possession of such
property or receipt of such income, and the county department may either
terminate the public assistance or alter the amount of assistance payments
in accordance with the circumstances and the rules of the state
department. To the extent not otherwise prohibited by state or federal law,
if the recipient is found to have committed an intentional program
violation, the recipient is disqualified from participation in any public
assistance program under this article. 

ARTICLE 2 IN WHICH A RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM VIOLATION for
twelve months for the first incident, twenty-four months for a second
incident, and permanently for a third or subsequent incident. Such
disqualification is mandatory and is in addition to any other penalty
imposed by law. Except as provided in subsections (3) and (4) of this
section, any previously paid excess public assistance to which the
recipient was not entitled shall be recoverable by the county as a debt
due to the state and the county in proportion to the amount of public
assistance paid by each respectively; except that any fraudulently obtained
public assistance or fraudulently obtained overpayments of public
assistance shall be recoverable and payable in proportionate shares as
provided in section 26-1-112 (2)(b), and interest shall be charged and
paid to the county department on any sum fraudulently obtained,
calculated at the legal rate and calculated from the date the recipient
obtained such sum to the date such sum is recovered. The following
remedies apply for the enforcement and collection of a debt for
fraudulently obtained public assistance or fraudulently obtained
overpayments of public assistance:

SECTION 3. Safety clause. The general assembly hereby finds,
determines, and declares that this act is necessary for the immediate
preservation of the public peace, health, or safety.