

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 20-1149.01 Shelby Ross x4510

SENATE BILL 20-206

SENATE SPONSORSHIP

Todd and Cooke, Donovan, Moreno, Scott

HOUSE SPONSORSHIP

Landgraf and Singer,

Senate Committees

State, Veterans, & Military Affairs

House Committees

Education

A BILL FOR AN ACT

101 **CONCERNING THE CLARIFICATION OF DISQUALIFYING A RECIPIENT**
102 **FROM PARTICIPATING IN A PUBLIC ASSISTANCE PROGRAM WHEN**
103 **THE RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL**
104 **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

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
2nd Reading Unamended
June 8, 2020

SENATE
3rd Reading Unamended
June 2, 2020

SENATE
2nd Reading Unamended
June 1, 2020

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.

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

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

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

24 (1.5) To the extent not otherwise prohibited by state or federal

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

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

20 **26-2-128. Recovery from recipient - estate.** (1) If, at any time
21 during the continuance of public assistance, the recipient thereof becomes
22 possessed of any property having a value in excess of that amount set
23 pursuant to the provisions of section 26-2-109 and the rules of the state
24 department or receives any increase in income, ~~it shall be the duty of the~~
25 recipient ~~to~~ SHALL notify the county department of the possession of such
26 property or receipt of such income, and the county department may either
27 terminate the public assistance or alter the amount of assistance payments

1 in accordance with the circumstances and the rules of the state
2 department. To the extent not otherwise prohibited by state or federal law,
3 if the recipient is found to have committed an intentional program
4 violation, the recipient is disqualified from participation in ~~any~~ THE public
5 assistance program under this ~~article~~ ARTICLE 2 IN WHICH A RECIPIENT IS
6 FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM VIOLATION for
7 twelve months for the first incident, twenty-four months for a second
8 incident, and permanently for a third or subsequent incident. Such
9 disqualification is mandatory and is in addition to any other penalty
10 imposed by law. Except as provided in subsections (3) and (4) of this
11 section, any previously paid excess public assistance to which the
12 recipient was not entitled ~~shall be~~ IS recoverable by the county as a debt
13 due to the state and the county in proportion to the amount of public
14 assistance paid by each respectively; except that any fraudulently obtained
15 public assistance or fraudulently obtained overpayments of public
16 assistance ~~shall be~~ IS recoverable and payable in proportionate shares as
17 provided in section 26-1-112 (2)(b), and interest ~~shall be~~ IS charged and
18 paid to the county department on any sum fraudulently obtained,
19 calculated at the legal rate and calculated from the date the recipient
20 obtained such sum to the date such sum is recovered. The following
21 remedies apply for the enforcement and collection of a debt for
22 fraudulently obtained public assistance or fraudulently obtained
23 overpayments of public assistance:

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