

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0358.01 Shelby Ross x4510

HOUSE BILL 22-1224

HOUSE SPONSORSHIP

Tipper and Soper,

SENATE SPONSORSHIP

Gonzales,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THEFT OF PUBLIC BENEFITS.

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>.)

The bill creates specific elements for public benefits theft in the theft statute. A person commits public benefits theft when a person intentionally misrepresents or withholds a material fact for determining eligibility, and does so for the purpose of obtaining or retaining public benefits the recipient of the public benefits is not eligible for.

For the purposes of calculating the value of the public benefit involved, the bill defines it as the difference between the value of the public benefit received and the value of the public benefit the recipient

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.

was eligible for; except that, if the agency that provides the public benefit makes a referral for prosecution more than 180 calendar days after first receiving evidence of a misrepresentation or withholding of material fact, the value of the public benefit received after the agency received the evidence must be subtracted from the total.

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

2 **SECTION 1.** In Colorado Revised Statutes, 18-4-401, **amend**
3 (1)(d) and (1)(e); and **add** (1)(f) and (11) as follows:

4 **18-4-401. Theft - repeal.** (1) A person commits theft when he or
5 she knowingly obtains, retains, or exercises control over anything of
6 value of another without authorization or by threat or deception; receives,
7 loans money by pawn or pledge on, or disposes of anything of value or
8 belonging to another that he or she knows or believes to have been stolen;
9 or procures food or accommodations from a public establishment without
10 making payment therefore, and:

11 (d) Demands any consideration to which he or she is not legally
12 entitled as a condition of restoring the thing of value to the other person;

13 **or**

14 (e) Knowingly retains the thing of value more than seventy-two
15 hours after the agreed-upon time of return in any lease or hire agreement;

16 **OR**

17 (f) (I) IN CASES IN WHICH THE THING OF VALUE IS A PUBLIC
18 BENEFIT, INTENTIONALLY MISREPRESENTS OR WITHHOLDS A MATERIAL
19 FACT FOR DETERMINING ELIGIBILITY, AND DOES SO FOR THE PURPOSE OF
20 OBTAINING OR RETAINING PUBLIC BENEFITS THE RECIPIENT OF THE PUBLIC
21 BENEFITS IS NOT ELIGIBLE FOR.

22 (II) IF THE THING OF VALUE IS A PUBLIC BENEFIT, THE PROSECUTOR
23 SHALL PROSECUTE THE CASE PURSUANT TO THIS SUBSECTION (1)(f).

1 (11) (a) FOR THE PURPOSES OF CALCULATING THE VALUE OF THE
2 PUBLIC BENEFIT INVOLVED FOR THE PURPOSES OF SUBSECTION (2) OF THIS
3 SECTION, THE VALUE OF A PUBLIC BENEFIT THEFT PURSUANT TO
4 SUBSECTION (1)(f) OF THIS SECTION IS THE DIFFERENCE BETWEEN THE
5 VALUE OF THE PUBLIC BENEFIT RECEIVED AND THE VALUE OF THE PUBLIC
6 BENEFIT THE RECIPIENT WAS ELIGIBLE FOR; EXCEPT THAT, IF THE AGENCY
7 THAT PROVIDES THE PUBLIC BENEFIT MAKES A REFERRAL FOR
8 PROSECUTION MORE THAN ONE HUNDRED AND EIGHTY CALENDAR DAYS
9 AFTER FIRST RECEIVING EVIDENCE OF A MISREPRESENTATION OR
10 WITHHOLDING OF MATERIAL FACT, THE VALUE OF THE PUBLIC BENEFIT
11 RECEIVED AFTER THE AGENCY RECEIVED THE EVIDENCE MUST BE
12 SUBTRACTED FROM THE TOTAL.

13 (b) AS USED IN THIS SUBSECTION (11), UNLESS THE CONTEXT
14 OTHERWISE REQUIRES, "PUBLIC BENEFITS" MEANS SERVICES OR AID, OR
15 BOTH, INCLUDING FOOD, CASH, AND MEDICAL ASSISTANCE, PROVIDED
16 THROUGH AN APPROPRIATION OF FEDERAL, STATE, OR LOCAL
17 GOVERNMENT MONEY TO INDIVIDUALS OR HOUSEHOLDS THAT, BECAUSE
18 OF THEIR ECONOMIC CIRCUMSTANCES OR SOCIAL CONDITION, ARE IN NEED
19 OF AND MAY BENEFIT FROM SUCH SERVICES OR AID.

20 **SECTION 2. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

1 November 2022 and, in such case, will take effect on the date of the
2 official declaration of the vote thereon by the governor.