Public benefits provide basic necessities like health care and food to CO families facing poverty. Ensuring that Coloradans can access these services when they need them not only promotes individual wellbeing but also supports strong local economies and thriving communities.

But people can be deterred from seeking support when obtaining benefits risks entanglement with the criminal legal system. This can happen because inaccurate information on an application for benefits can lead to prosecution under Colorado’s criminal theft statute.

HB22-1224 ensures nobody is held criminally liable for benefits for which they are eligible.

In every other context, theft only applies when someone takes something that isn’t theirs. Nobody should be convicted of theft for receiving benefits to which they are entitled.

HB22-1224 requires proof that an applicant misrepresented information for the purpose of unlawfully gaining services.

A conviction should only occur if the person provides misinformation with the intent of getting benefits to which they weren’t entitled. Currently, people can be convicted even with minimal evidence of intent. Misinformation may stem from simple mistakes in long, complicated forms, or from other concerns, such as leaving an abusive partner off an application out of fear of retribution. Though such errors can result in incorrect determinations of eligibility, they should not be criminalized.

HB22-1224 ensures that criminal liability does not increase due to bureaucratic delays.

Overpayments (when a recipient owes money back to the government) can occur when benefits are provided based on incorrect information. If an investigation is delayed, overpayments may grow for months or years, turning a potential misdemeanor into a felony, subjecting a recipient to harsher criminal consequences, including imprisonment. This bill does NOT prevent civil or administrative actions to recoup overpayments, nor criminal prosecution. It simply prevents the increase in criminal liability when the government delays its investigation.

For more information, contact:
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