

## **Support HB22-1224:** **End unfair prosecution of** **public benefit recipients**

Sponsored by Reps. Kerry Tipper and Matt Soper, and Sen. Julie Gonzales

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 result in prosecution under Colorado's criminal theft statute.



Just last year, Colorado's Supreme Court decided that a mother was criminally liable for **all health care her children received**, based on inaccuracies in her application for services, *even if her children may have been eligible for some services, or for part of the time*. The mother was ordered to pay **tens of thousands of dollars in restitution**.

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.



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