

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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) INTENTIONALLY MISREPRESENTS OR WITHHOLDS A MATERIAL
18 FACT FOR DETERMINING ELIGIBILITY FOR A PUBLIC BENEFIT AND DOES SO
19 FOR THE PURPOSE OF OBTAINING OR RETAINING PUBLIC BENEFITS FOR
20 WHICH THE PERSON IS NOT ELIGIBLE.

21 (11) A PERSON'S CONDUCT THAT IS LIMITED TO THE ELEMENTS OF
22 SUBSECTION (1)(f) OF THIS SECTION IS NOT SUBJECT TO PROSECUTION
23 PURSUANT TO ANY OTHER PROVISION OF THIS SECTION.

1 **SECTION 2. Effective date - applicability.** This act takes effect
2 July 1, 2022, and applies to offenses committed on or after said date.

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