

[As Approved]

SENTENCING REFORM TASK FORCE
FINAL RECOMMENDATION PREPARED FOR THE
COLORADO COMMISSION ON CRIMINAL AND JUVENILE JUSTICE
January 28, 2022

FY22-SR #07. Revise Value Basis for Theft of Public Benefits [Statutory]

Recommendation FY22-SR #07

Amend Colorado Revised Statutes related to theft of public benefits to clarify that the amount of theft is based on the amount of benefits paid for which the person is not legally entitled. More specifically, the level of criminal offense is based on the amount of benefits received by the person for which the person is not entitled and does not include the amount the person is entitled to receive.

Proposed Statutory Language

No proposed statutory language

DISCUSSION

Senate Bill 2021-271 provides that the theft of public benefits be value based, representing a philosophy to which the Commission remains committed. However, recent case law (*No. 19SC933, People v. Vidaur*) has confused the value of the benefits for the purpose of calculating the crime level of the offense. Statute should be clarified that the amount of theft is based on the amount of benefits paid for which the person is not legally entitled. More specifically, the level of criminal offense is based on the amount of benefits received by the person for which the person is not entitled and does not include the amount the person is entitled to receive.