

**FACT SHEET**  
SB 560 (Smallwood-Cuevas)  
Public Social Services

**SUMMARY**

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SB SB 560 empowers counties to address public benefit overpayments through the administrative process when appropriate.

**BACKGROUND**

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Current law allows counties to waste scarce justice system resources by unnecessarily criminalizing people who are unable to consistently meet the rigorous demands of the confusing public benefits reporting process.

Even when noncompliance with reporting requirements is due to hardships related to language access or disability, current law allows referral to law enforcement rather than requiring counties to address more minor concerns through the administrative process.

**PROBLEM**

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Benefit overpayments are overpoliced due to a sordid history that includes the intensely politicized and racist "welfare queen" stereotype, which has been used for decades to justify criminalizing benefit recipients, especially women of color.<sup>1</sup>

This racialized stereotype led to the creation of a public benefits system in which people are unnecessarily criminalized and overpoliced, with heightened scrutiny of recipients, and excessive punishments for paperwork errors and minor misrepresentations of income.

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<sup>1</sup> 50% of welfare fraud convictions are Black or Hispanic women; 75% of welfare fraud convictions are women. - [2023 Report: Committee on Revision of the Penal Cod](#)

**SOLUTION**

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The administrative process currently in place can handle the vast majority of overpayment cases; and by addressing these cases within the public benefits system rather than the justice system, counties will be more likely to recoup public benefit funds, and less likely to cause harm.<sup>2</sup>

This bill will allow county workers to handle public benefit overpayments through the administrative process, preserving scarce justice system resources for rare cases where prosecution is necessary.

**SUPPORT**

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SEIU California (Sponsor)  
Western Center on Law and Poverty (Sponsor)  
Smart Justice California (Priority Support)

**STAFF CONTACT**

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<sup>2</sup> Recommended by the Committee on Revision of the Penal Code in 2023; See Page 39 [2023 Report: Committee on Revision of the Penal Code](#)