

105TH CONGRESS
1ST SESSION

S. 1371

AN ACT

To establish felony violations for the failure to pay legal child support obligations and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Deadbeat Parents
5 Punishment Act of 1997”.

1 **SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.**

2 Section 228 of title 18, United States Code, is
3 amended to read as follows:

4 **“§ 228. Failure to pay legal child support obligations**

5 “(a) OFFENSE.—Any person who—

6 “(1) willfully fails to pay a support obligation
7 with respect to a child who resides in another State,
8 if such obligation has remained unpaid for a period
9 longer than 1 year, or is greater than \$5,000;

10 “(2) travels in interstate or foreign commerce
11 with the intent to evade a support obligation, if such
12 obligation has remained unpaid for a period longer
13 than 1 year, or is greater than \$5,000; or

14 “(3) willfully fails to pay a support obligation
15 with respect to a child who resides in another State,
16 if such obligation has remained unpaid for a period
17 longer than 2 years, or is greater than \$10,000;

18 shall be punished as provided in subsection (c).

19 “(b) PRESUMPTION.—The existence of a support ob-
20 ligation that was in effect for the time period charged in
21 the indictment or information creates a rebuttable pre-
22 sumption that the obligor has the ability to pay the sup-
23 port obligation for that time period.

24 “(c) PUNISHMENT.—The punishment for an offense
25 under this section is—

1 “(1) in the case of a first offense under sub-
2 section (a)(1), a fine under this title, imprisonment
3 for not more than 6 months, or both; and

4 “(2) in the case of an offense under paragraph
5 (2) or (3) of subsection (a), or a second or subse-
6 quent offense under subsection (a)(1), a fine under
7 this title, imprisonment for not more than 2 years,
8 or both.

9 “(d) **MANDATORY RESTITUTION**.—Upon a conviction
10 under this section, the court shall order restitution under
11 section 3663A in an amount equal to the total unpaid sup-
12 port obligation as it exists at the time of sentencing.

13 “(e) **VENUE**.—With respect to an offense under this
14 section, an action may be inquired of and prosecuted in
15 a district court of the United States for—

16 “(1) the district in which the child who is the
17 subject of the support obligation involved resided
18 during a period during which a person described in
19 subsection (a) (referred to in this subsection as an
20 ‘obligor’) failed to meet that support obligation;

21 “(2) the district in which the obligor resided
22 during a period described in paragraph (1); or

23 “(3) any other district with jurisdiction other-
24 wise provided for by law.

25 “(f) **DEFINITIONS**.—As used in this section—

1 “(1) the term ‘Indian tribe’ has the meaning
2 given that term in section 102 of the Federally Rec-
3 ognized Indian Tribe List Act of 1994 (25 U.S.C.
4 479a);

5 “(2) the term ‘State’ includes any State of the
6 United States, the District of Columbia, and any
7 commonwealth, territory, or possession of the United
8 States; and

9 “(3) the term ‘support obligation’ means any
10 amount determined under a court order or an order
11 of an administrative process pursuant to the law of
12 a State or of an Indian tribe to be due from a per-
13 son for the support and maintenance of a child or
14 of a child and the parent with whom the child is liv-
15 ing.”.

Passed the Senate November 13, 1997.

Attest:

Secretary.

105TH CONGRESS
1ST SESSION **S. 1371**

AN ACT

To establish felony violations for the failure to pay legal child support obligations and for other purposes.