

105TH CONGRESS
1ST SESSION

S. 226

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

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1997

Mr. KOHL (for himself and Mr. DEWINE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

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”.

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

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

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

10 “(a) OFFENSE.—Any person who—

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

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

9 “(3) willfully fails to pay a support obligation
 10 with respect to a child who resides in another State,
 11 if such obligation has remained unpaid for a period
 12 longer than two years, or is greater than \$10,000;
 13 shall be punished as provided in subsection (c).

14 “(b) PRESUMPTION.—The existence of a support ob-
 15 ligation that was in effect for the time period charged in
 16 the indictment or information creates a rebuttable pre-
 17 sumption that the obligor has the ability to pay the sup-
 18 port obligation for that time period.

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

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

24 “(2) in the case of an offense under subsection
 25 (a)(2) or (a)(3), or a second or subsequent offense

1 under subsection (a)(1), a fine under this title, im-
2 prisonment for not more than 2 years, or both.

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

7 “(e) DEFINITIONS.—As used in this section—

8 “(1) the term ‘support obligation’ means any
9 amount determined under a court order or an order
10 of an administrative process pursuant to the law of
11 a State to be due from a person for the support and
12 maintenance of a child or of a child and the parent
13 with whom the child is living; and

14 “(2) the term ‘State’ includes any State of the
15 United States, the District of Columbia, and any
16 commonwealth, territory, or possession of the United
17 States.”.

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