

109TH CONGRESS  
1ST SESSION

# H. R. 229

To amend title 18, United States Code, to provide penalties for failure to pay certain obligations to spouses and ex-spouses that are similar to the penalties imposed for failure to pay child support obligations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 2005

Mr. SWEENEY (for himself and Mrs. LOWEY) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To amend title 18, United States Code, to provide penalties for failure to pay certain obligations to spouses and ex-spouses that are similar to the penalties imposed for failure to pay 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 “Jane’s Law”.

5 **SEC. 2. SPOUSAL OBLIGATIONS.**

6       Chapter 11A of title 18, United States Code, is  
7 amended by adding at the end the following:

1   **“§ 228A. Failure to pay legal spousal obligations**

2       “(a) OFFENSE.—Any person who—

3           “(1) willfully fails to pay a court ordered obli-  
4           gation with respect to a spouse or former spouse  
5           who resides in another State, if such obligation has  
6           remained unpaid for a period longer than 1 year, or  
7           is greater than \$5,000;8           “(2) travels in interstate or foreign commerce  
9           with the intent to evade a court ordered obligation  
10          with respect to a spouse or former spouse, if such  
11          obligation has remained unpaid for a period longer  
12          than 1 year, or is greater than \$5,000; or13          “(3) willfully fails to pay a court ordered obli-  
14          gation with respect to a spouse or former spouse  
15          who resides in another State, if such obligation has  
16          remained unpaid for a period longer than 2 years,  
17          or is greater than \$10,000;

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

19       “(b) PRESUMPTION.—The existence of an obligation  
20   that was in effect for the time period charged in the indict-  
21   ment or information creates a rebuttable presumption that  
22   the obligor has the ability to pay the obligation for that  
23   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 obli-  
12      gation 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 spouse or former  
17        spouse who is the subject of the obligation resided  
18        during a period during which the person who is al-  
19        leged to have failed to pay the obligation or traveled  
20        with the intent to evade the obligation, allegedly  
21        failed to meet that obligation;

22           “(2) the district in which the alleged offender  
23        resided during a period described in paragraph (1);  
24        or

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

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

4               “(1) the term ‘Indian tribe’ has the meaning  
5       given that term in section 102 of the Federally Rec-  
6       ognized Indian Tribe List Act of 1994 (25 U.S.C.  
7       479a);

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

12               “(3) the term ‘court ordered obligation to a  
13       spouse or former spouse’ means any amount deter-  
14       mined under a court order pursuant to the law of a  
15       State or of an Indian tribe to be due from a person  
16       for the support and maintenance of a spouse or  
17       former spouse, or as an equitable or other distribu-  
18       tion to a spouse or former spouse of assets in con-  
19       nection with a separation or divorce.”.

20 **SEC. 3. CONFORMING AMENDMENT TO TABLE OF SEC-  
21       TIONS.**

22       The table of sections at the beginning of chapter 11A  
23       of title 18, United States Code, is amended by adding at  
24       the end the following new item:

“228A. Failure to pay legal spousal obligations.”.

