

SB167 INTRODUCED



1 SB167
2 2LPWIIK-1
3 By Senator Orr
4 RFD: Judiciary
5 First Read: 13-Feb-25



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SYNOPSIS:

Existing law provides for criminal and civil penalties for the offense of driving while under the influence of alcohol or a controlled substance.

This bill would require an individual who is convicted of driving while under the influence of alcohol or a controlled substance to pay child support for a child of a victim of the offense if the offense leads to the death of a parent or guardian of the child.

A BILL
TO BE ENTITLED
AN ACT

Relating to child support; to require an individual convicted of driving while under the influence to pay child support in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) In addition to the penalties prescribed for driving while under the influence of alcohol or a controlled substance under Section 32-5A-191, Code of Alabama 1975, and in addition to any restitution required pursuant to Article 4A of Chapter 18 of Title 15, Code of Alabama 1975, if



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29 an individual is convicted pursuant to Section 32-5A-191, Code
30 of Alabama 1975, and the offense leading to the conviction
31 causes the death of a child's parent or guardian, that
32 individual shall be ordered to pay child support for the child
33 pursuant to Chapter 3 of Title 30, Code of Alabama 1975, until
34 the child reaches 19 years of age.

35 (b) Child support ordered pursuant to subsection (a)
36 may be calculated according to the child support guidelines
37 established by Rule 32 of the Alabama Rules of Judicial
38 Administration based upon the circumstances during the time
39 period for which support is ordered, or may otherwise be
40 ordered by the court in an amount determined by the court
41 based on the following factors:

42 (1) The financial needs and resources of the child.

43 (2) The financial needs and resources of the surviving
44 parent or, if no other parent is alive or capable of caring
45 for the child, the guardian of the child, including the State
46 of Alabama if the state or a department or agency thereof is
47 the guardian.

48 (3) The standard of living the child would have
49 enjoyed.

50 (4) The physical and emotional condition of the child
51 and the child's educational needs.

52 (5) The child's physical and legal custody
53 arrangements.

54 (6) The reasonable work-related child care expenses of
55 the surviving parent or guardian.

56 (c) Child support ordered pursuant to this section



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57 shall accrue from the date of the death of the child's parent
58 or guardian.

59 (d) Any individual against whom an order to pay child
60 support pursuant to this section is entered and shall be
61 subject to an income withholding order as set forth in Title
62 30, Chapter 3, Article 3, Code of Alabama 1975.

63 (e) If an individual ordered to pay child support
64 pursuant to this section is incarcerated and unable to pay the
65 ordered support, the individual shall have up to one year
66 after release from incarceration to begin payment, including
67 any arrearage. If any obligation ordered pursuant to this
68 section is to terminate due to the age of the child, but the
69 support obligation is not paid in full, payments shall
70 continue until the entire arrearage is paid.

71 Section 2. This act shall become effective on October
72 1, 2025.