

1 AN ACT relating to nonsupport.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 530.050 is amended to read as follows:

- 4 (1) A person is guilty of nonsupport:
- 5 (a) When he persistently fails to provide support which he can reasonably provide
- 6 and which he knows he has a duty to provide to a minor or to a child adjudged
- 7 mentally disabled, indigent spouse or indigent parent; or
- 8 (b) Upon a finding that a defendant obligor, subject to court order to pay any
- 9 amount for the support of a minor child, is delinquent in meeting the full
- 10 obligation established by such order and has been so delinquent for a period of
- 11 at least two (2) months duration.
- 12 (2) A person is guilty of flagrant nonsupport when he persistently fails to provide
- 13 support which he can reasonably provide and which he knows he has a duty to
- 14 provide by virtue of a court or administrative order to a minor or to a child adjudged
- 15 mentally disabled, indigent spouse or indigent parent and the failure results in:
- 16 (a) An arrearage of not less than ***ten thousand dollars (\$10,000)***~~one thousand~~
- 17 ~~dollars (\$1,000)~~; or
- 18 (b) ***Twelve (12)***~~Six (6)~~ consecutive months without payment of support~~; or~~
- 19 ~~(c) The dependent having been placed in destitute circumstances. For the~~
- 20 ~~purposes of this paragraph, it shall be prima facie evidence that a dependent~~
- 21 ~~has been placed in destitute circumstances if the dependent is a recipient of~~
- 22 ~~public assistance as defined in KRS 205.010.~~
- 23 (3) A person has a duty to provide support for an indigent spouse, a minor child or
- 24 children, or a child or children adjudged mentally disabled and, for purposes of this
- 25 section, is presumed to know of that duty.
- 26 (4) Any person who is eighteen (18) years of age or over, residing in this state and
- 27 having in this state a parent who is destitute of means of subsistence and unable

1 because of old age, infirmity, or illness to support himself or herself, has a duty to
2 provide support for such parent and, for purposes of this section, is presumed to
3 know of that duty.

4 (5) Nonsupport is a Class A misdemeanor. For a second offense, the person shall
5 receive a minimum sentence of seven (7) days in jail, **but shall be permitted work**
6 **release if employed.** For a third or any subsequent offense, the person shall receive
7 a minimum sentence of **fifteen (15)**~~thirty (30)~~ days in jail, **but shall be permitted**
8 **work release if employed.**

9 (6) Flagrant nonsupport is a Class D felony.