

2011 -- H 5411

LC00634

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

A N A C T

RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT

Introduced By: Representatives JP O'Neill, Petrarca, DaSilva, Johnston, and Phillips

Date Introduced: February 16, 2011

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-2-1.1 of the General Laws in Chapter 11-2 entitled
2 "Abandonment and Nonsupport" is hereby amended to read as follows:

3 **11-2-1.1. Failure to pay child support.** -- (a) Every person who is obligated to pay child
4 support pursuant to an order or decree established by or registered with the family court pursuant
5 to chapter 11 of title 15, who has incurred arrearage of past-due child support in the amount of ~~ten~~
6 ~~thousand dollars (\$10,000)~~ five thousand dollars (\$5,000), and who shall willfully thereafter,
7 having the means to do so, fail to pay three (3) or more installments of child support in an amount
8 previously set by the court, according to the terms previously set by the court, shall be guilty of a
9 felony for each instance of failure to make the subsequent payments and upon conviction shall be
10 punished by imprisonment for a period not to exceed five (5) years.

11 (b) Every person who has for a period of three (3) years willfully failed to pay any
12 installments of child support in an amount previously set by the court, according to the terms
13 previously set by the court, and who shall thereafter, having the means to do so, fail to pay three
14 (3) or more installments of child support in an amount previously set by the court, according to
15 the terms previously set by the court, shall be guilty of a felony for each instance of failure to
16 make the subsequent payments and upon conviction shall be punished by imprisonment for a
17 period not to exceed five (5) years.

18 (c) For purposes of this section, "subsequent payments" means those payments or
19 installments due and owing after a person has incurred an arrearage of ~~ten thousand dollars~~

1 ~~(\$10,000)~~ five thousand dollars (\$5,000) as specified in subsection (a) of this section or those
2 payments or installments due and owing after a person has failed to pay an installment for a
3 period of three (3) years.

4 (d) The court may in its discretion direct that the sentence be served pursuant to section
5 12-19-2(b).

6 ~~[See section 12-1-15 of the General Laws.]~~

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO CRIMINAL OFFENSES -- FAILURE TO PAY CHILD SUPPORT

1 This act would decrease the amount of child support arrearage constituting a felony from
2 ten thousand dollars (\$10,000) to five thousand dollars (\$5,000).

3 This act would take effect upon passage.

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