

105TH CONGRESS  
1ST SESSION

# H. R. 2925

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

---

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. HOYER (for himself and Mr. HYDE) introduced the following bill; which was referred to the Committee on 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 1 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 1 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 2 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 paragraph  
25                 (2) or (3) of subsection (a), or a second or subse-

1       quent offense under subsection (a)(1), a fine under  
2       this title, imprisonment for not more than 2 years,  
3       or both.

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

8       “(e) VENUE.—With respect to an offense under this  
9       section, an action may be inquired of and prosecuted in  
10      a district court of the United States for—

11           “(1) the district in which the child who is the  
12           subject of the support obligation involved resided  
13           during a period during which a person described in  
14           subsection (a) (referred to in this subsection as an  
15           ‘obliger’) failed to meet that support obligation;

16           “(2) the district in which the obliger resided  
17           during a period described in paragraph (1); or

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

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

21           “(1) the term ‘Indian tribe’ has the meaning  
22           given that term in section 102 of the Federally Rec-  
23           ognized Indian Tribe List Act of 1994 (25 U.S.C.  
24           479a);

1           “(2) the term ‘State’ includes any State of the  
2           United States, the District of Columbia, and any  
3           commonwealth, territory, or possession of the United  
4           States; and

5           “(3) the term ‘support obligation’ means any  
6           amount determined under a court order or an order  
7           of an administrative process pursuant to the law of  
8           a State or of an Indian tribe to be due from a per-  
9           son for the support and maintenance of a child or  
10          of a child and the parent with whom the child is liv-  
11          ing.”.

○