

Calendar No. 271

105TH CONGRESS
1ST SESSION**S. 1371**

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 5, 1997

Mr. KOHL (for himself, Mr. DEWINE, and Mr. ABRAHAM) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

NOVEMBER 6, 1997

Reported by Mr. HATCH, without amendment

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”.

1 **SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.**

2 Section 228 of title 18, United States Code, is
3 amended to read as follows:

4 **“§ 228. Failure to pay legal child support obligations**

5 “(a) OFFENSE.—Any person who—

6 “(1) willfully fails to pay a support obligation
7 with respect to a child who resides in another State,
8 if such obligation has remained unpaid for a period
9 longer than 1 year, or is greater than \$5,000;

10 “(2) travels in interstate or foreign commerce
11 with the intent to evade a support obligation, if such
12 obligation has remained unpaid for a period longer
13 than 1 year, or is greater than \$5,000; or

14 “(3) willfully fails to pay a support obligation
15 with respect to a child who resides in another State,
16 if such obligation has remained unpaid for a period
17 longer than 2 years, or is greater than \$10,000;

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

19 “(b) PRESUMPTION.—The existence of a support ob-
20 ligation that was in effect for the time period charged in
21 the indictment or information creates a rebuttable pre-
22 sumption that the obligor has the ability to pay the sup-
23 port obligation for that 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 sup-
12 port obligation 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 child who is the
17 subject of the support obligation involved resided
18 during a period during which a person described in
19 subsection (a) (referred to in this subsection as an
20 ‘obligor’) failed to meet that support obligation;

21 “(2) the district in which the obligor resided
22 during a period described in paragraph (1); or

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

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

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

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

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

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