

1996 SESSION

INTRODUCED

966995813

HOUSE BILL NO. 1321

Offered January 22, 1996

A BILL to amend and reenact § 20-61 of the Code of Virginia, relating to nonpayment of child support; penalty.

Patrons—Sherwood, Katzen, Kilgore, Marshall and Weatherholtz; Senator: Potts

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-61 of the Code of Virginia is amended and reenacted as follows:

§ 20-61. Desertion or nonsupport of wife, husband or children in necessitous circumstances.

Any spouse who without cause deserts or willfully neglects or refuses or fails to provide for the support and maintenance of his or her spouse, and any parent who deserts or willfully neglects or refuses or fails to provide for the support and maintenance of his or her child under the age of eighteen years of age, or child of whatever age who is crippled or otherwise incapacitated from earning a living, the spouse, child or children being then and there in necessitous circumstances, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding \$500, or confinement in jail not exceeding twelve months, or both, or on work release employment as provided in § 53.1-131 for a period of not less than ninety days nor more than twelve months; or in lieu of the fine or confinement being imposed upon conviction by the court or by verdict of a jury he or she may be required by the court to suffer a forfeiture of an amount not exceeding the sum of \$1,000 and the fine or forfeiture may be directed by the court to be paid in whole or in part to the spouse, or to the guardian, curator, custodian or trustee of the minor child or children, or to some discreet person or responsible organization designated by the court to receive it. *Any parent in violation of the provisions of this section who has not made child support payments for an aggregate of six months or more in any twelve-month period or is in arrears for more than \$5,000 is guilty of a Class 6 felony. Notwithstanding § 20-70, criminal nonsupport proceedings may be instituted upon arrest.* This section shall not apply to any parent of any child of whatever age, if the child qualifies for and is receiving aid under a federal or state program for aid to the permanently and totally disabled; or is an adult and meets the visual requirements for aid to the blind; and for this purpose any state agency shall use only the financial resources of the child of whatever age in determining eligibility.

2. That the provisions of this act may result in a net increase in periods of imprisonment in state correctional facilities. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0.

INTRODUCED

HB1321