
Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 4826 (Substitute H-1 as reported without amendment)
Sponsor: Representative Doug Hart
House Committee: Family and Children Services
Senate Committee: Families, Mental Health and Human Services

CONTENT

The bill would amend the Michigan Penal Code to make revisions consistent with House Bill 4816 (H-3) regarding the establishment of a State Disbursement Unit (SDU) for the centralized collection and disbursement of child support payments and fees. The bill is tie-barred to House Bill 4816.

The bill would delete and reenact, with gender-neutral language, a provision of the Penal Code making refusal to pay a support order a felony. Under the bill, it would be a felony, punishable by up to four years' imprisonment, a maximum fine of \$2,000, or both, for a person subject to a court order for spousal or child support, to fail to pay the support in the amount or at the time stated in the order. The felony provision would not apply unless the person ordered to pay support appeared in the action in which the support order was issued, or received notice of that action by personal service. (The proposed penalty is the same as that established in the law for a felony for which a penalty is not otherwise specified.)

The court could suspend the sentence of a person convicted under the bill if he or she filed with the court a bond in the amount and with the sureties the court required. At a minimum, the bond would have to be conditioned on the person's compliance with the support order. If the person did not comply with the support order or another condition of the bond, the court could order the person to appear and show cause why the court should not impose the sentence and enforce the bond. After the hearing, the court could enforce the bond and/or impose the sentence, or could permit the filing of a new bond and again suspend the sentence.

MCL 750.165

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on State and local government.

In 1997, four people were committed to State prison for failing to support a spouse or children with an average minimum sentence of 1.9 years. Assuming that the number of people committed to State prison for this offense would remain constant, and that each offender served the average minimum sentence, given that the average cost of incarceration is \$22,000 a year, the cost to incarcerate offenders accused of this crime would be \$167,200.

Date Completed: 10-12-99

Fiscal Analyst: K. Firestone