



Senate Fiscal Agency
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BILL ANALYSIS

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House Bill 5262 (Substitute S-2 as reported by the Committee of the Whole)

Sponsor: Representative Doug Hart

House Committee: Family and Children Services

Senate Committee: Families and Human Services

CONTENT

The bill would amend the Michigan Penal Code to prohibit the prosecution of an individual for failure or refusal to pay child support under Section 161, 165, or 167 of the Code, while he or she had amnesty for that support arrearage (as proposed by House Bill 4654).

(Under Section 161, a person who deserts or abandons his or her spouse or children younger than 17 without providing necessary and proper shelter, food, care, and clothing for them, or a person of sufficient ability who fails or refuses to provide necessary and proper shelter, food, care, and clothing for his or her spouse and children under 17, is guilty of a felony.

Section 165 provides that, if the court orders an individual to pay support for his or her child or former or current spouse, and the individual does not pay the support in the amount or at the time stated in the order, he or she is guilty of a felony.

Under Section 167, an individual is a "disorderly person", and guilty of a misdemeanor, if he or she is of sufficient ability and refuses or neglects to support his or her family.)

The bill would take effect June 1, 2005. It is tie-barred to House Bills 4654 and 5259, which would establish the amnesty program and prohibit the Friend of the Court from initiating a support enforcement measure against an individual while he or she had amnesty.

Proposed MCL 750.161a

Legislative Analyst: Julie Koval

FISCAL IMPACT

To the extent that a child support amnesty program would potentially decrease the number of child support cases with arrearages, the bills would provide indeterminate, and likely insignificant, savings in the administrative costs of collecting on cases with past due amounts and in the criminal justice costs of prosecuting such cases and incarcerating individuals convicted of failing to pay child support. By providing for the waiver of fines associated with failure to pay child support, the bills could decrease penal fine revenue, which is dedicated to public libraries.

Date Completed: 12-8-04

Fiscal Analyst: Bethany Wicksall