

HOUSE BILL No. 5373

December 11, 2003, Introduced by Reps. Nofs, Stahl, Gaffney, Steil, Meyer, Taub, LaJoy, Pastor, Casperson, Sheen, Hoogendyk, Stakoe, Howell, Ward, Ruth Johnson, Amos, Farhat, Garfield, Palsrok, Newell and Moolenaar and referred to the Committee on Judiciary.

A bill to amend 1931 PA 328, entitled "The Michigan penal code," by amending section 165 (MCL 750.165), as amended by 1999 PA 152.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 165. (1) If the court orders an individual to pay
2 support for the individual's former or current spouse, or for a
3 child of the individual, and the individual does not pay the
4 support in the amount or at the time stated in the order, the
5 individual is guilty of a felony punishable by imprisonment for
6 not more than 4 years or by a fine of not more than \$2,000.00, or
7 both.

8 (2) This section does not apply unless the individual ordered
9 to pay support appeared in, or received notice by personal
10 service of, the action in which the support order was issued.

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1 (3) Unless the individual deposits a cash bond of not less
2 than \$500.00 or 25% of the arrearage, whichever is greater, upon
3 arrest for a violation of this section, the individual shall
4 remain in custody until the arraignment. If the individual
5 remains in custody, the court shall address the amount of the
6 cash bond at the arraignment and at the preliminary examination
7 and, except for good cause shown on the record, shall order the
8 bond to be continued at not less than \$500.00 or 25% of the
9 arrearage, whichever is greater. At the court's discretion, the
10 court may set the cash bond at an amount not more than 100% of
11 the arrearage and add to that amount the amount of the costs that
12 the court may require under section 31(3) of the support and
13 parenting time enforcement act, 1982 PA 295, MCL 552.631. The
14 court shall specify that the cash bond amount be entered into the
15 L.E.I.N. If a bench warrant under section 31 of the support and
16 parenting time enforcement act, 1982 PA 295, MCL 552.631, is
17 outstanding for an individual when the individual is arrested for
18 a violation of this section, the court shall notify the court
19 handling the civil support case under the support and parenting
20 time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, that
21 the bench warrant <<may>> be recalled.

22 (4) ~~—(3)—~~ The court may suspend the sentence of an individual
23 convicted under this section if the individual files with the
24 court a bond in the amount and with the sureties the court
25 requires. At a minimum, the bond must be conditioned on the
26 individual's compliance with the support order. If the court
27 suspends a sentence under this subsection and the individual does

1 not comply with the support order or another condition on the
2 bond, the court may order the individual to appear and show cause
3 why the court should not impose the sentence and enforce the
4 bond. After the hearing, the court may enforce the bond or
5 impose the sentence, or both, or may permit the filing of a new
6 bond and again suspend the sentence. The court shall order a
7 support amount enforced under this section to be paid to the
8 clerk or friend of the court or to the state disbursement unit.

9 (5) ~~(4)~~ As used in this section, "state disbursement unit"
10 or "SDU" means the entity established in section 6 of the office
11 of child support act, 1971 PA 174, MCL 400.236.

12 Enacting section 1. This amendatory act does not take
13 effect unless Senate Bill No. _____ or House Bill No. 5372
14 (request no. 05385'03) of the 92nd Legislature is enacted into
15 law.