

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.165 Failure to support spouse or child as required by court order; violation as felony; penalty; applicability; cash bond; suspension of sentence; bond; order of restitution; "state disbursement unit" or "SDU" defined.

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

(2) This section does not apply unless the court in which the support order was issued had personal jurisdiction over the individual ordered to pay support.

(3) Unless the individual deposits a cash bond of not less than \$500.00 or 25% of the arrearage, whichever is greater, upon arrest for a violation of this section, the individual shall remain in custody until the arraignment. If the individual remains in custody, the court shall address the amount of the cash bond at the arraignment and at the preliminary examination and, except for good cause shown on the record, shall order the bond to be continued at not less than \$500.00 or 25% of the arrearage, whichever is greater. At the court's discretion, the court may set the cash bond at an amount not more than 100% of the arrearage and add to that amount the amount of the costs that the court may require under section 31(3) of the support and parenting time enforcement act, 1982 PA 295, MCL 552.631. The court shall specify that the cash bond amount be entered into the law enforcement information network. If a bench warrant under section 31 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.631, is outstanding for an individual when the individual is arrested for a violation of this section, the court shall notify the court handling the civil support case under the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650, that the bench warrant may be recalled.

(4) The court may suspend the sentence of an individual convicted under this section if the individual files with the court a bond in the amount and with the sureties the court requires. At a minimum, the bond must be conditioned on the individual's compliance with the support order. If the court suspends a sentence under this subsection and the individual does not comply with the support order or another condition on the bond, the court may order the individual to appear and show cause why the court should not impose the sentence and enforce the bond. After the hearing, the court may enforce the bond or impose the sentence, or both, or may permit the filing of a new bond and again suspend the sentence. The court shall order a support amount enforced under this section to be paid to the clerk or friend of the court or to the state disbursement unit.

(5) An order for restitution for a violation of this section shall not include a separate award for the unpaid amount in arrearage under the support order. The restitution order shall reference the support order and direct the individual to pay the unpaid amount in arrearage under the support order pursuant to the support order. The court may impose such terms and conditions in the restitution order as are appropriate to ensure compliance with payment of the arrearage due under the support order. The court may order additional restitution as provided under the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834.

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

History: 1931, Act 328, Eff. Sept. 18, 1931;—Am. 1939, Act 89, Eff. Sept. 29, 1939;—CL 1948, 750.165;—Am. 1999, Act 152, Imd. Eff. Nov. 3, 1999;—Am. 2004, Act 570, Imd. Eff. Jan. 3, 2005;—Am. 2014, Act 377, Eff. Mar. 17, 2015.

Former law: See section 1 of Act 276 of 1917, being CL 1929, § 12781.