

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2369 Session of
1978

INTRODUCED BY MESSRS. DORR, SCHWEDER, PRENDERGAST, KOWALYSHYN,
RUGGIERO, A. C. FOSTER JR., ANDERSON, BITTLE, S. E. HAYES JR.,
GEESEY, PETERSON, LEHR, SCIRICA AND REED, APRIL 12, 1978

SENATOR O'PAKE, JUDICIARY, IN SENATE, AS AMENDED,
SEPTEMBER 13, 1978

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for summary criminal
3 contempt proceedings for persons who willfully fail to comply
4 with lawful support orders.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 act of November 25, 1970 (P.L.707,
8 No.230) known as the Pennsylvania Consolidated Statutes, is
9 amended by adding a section to read:

10 § 4324. Willful failure to pay support order.

11 (a) Offense defined.-- Any person who has willfully failed
12 to comply with the support order of any court within this
13 Commonwealth when he had the FINANCIAL ability to do so, shall <—
14 be guilty of a summary offense and shall be punished by
15 imprisonment for a period not exceeding 90 days.

16 (b) Application.--This offense shall apply to all support
17 cases, whether civil or criminal in nature, and whether the

1 person charged is married, unmarried, separated or divorced.

2 ~~(c) Presumption. Failure to comply with a support order of~~ <—
3 ~~any court of record within this Commonwealth at a time when the~~
4 ~~defendant was employed or had unencumbered assets equal in value~~
5 ~~to more than ten times the amount due on a weekly basis under~~
6 ~~the support order shall raise a rebuttable presumption that such~~
7 ~~failure was willful unless the defendant has, in writing to the~~
8 ~~Domestic Relation Offices of such court within six days of such~~
9 ~~failure, requested a rehearing on the matter of the order.~~

10 ~~(d) (C) Jurisdiction.--Exclusive original jurisdiction to~~ <—
11 ~~hear the summary offense proceedings under this section shall be~~
12 ~~vested in the courts of common pleas of the various counties.~~

13 Section 2. This act shall take effect in 60 days.