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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1702 Session of  
1991

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INTRODUCED BY FLEAGLE, FARGO, WOZNIAK, VROON, NICKOL, NOYE,  
ULIANA, MARSICO, GEIST, HARPER, JOHNSON, JOSEPHS, SEMMEL,  
DEMPSEY, HAGARTY, TOMLINSON, E. Z. TAYLOR, BARLEY, GERLACH,  
BATTISTO, S. H. SMITH, TRELLO, MUNDY, NYCE, TANGRETTI,  
STABACK, HESS, HECKLER, FLICK, WILSON, LEH, BILLOW, TIGUE AND  
DeLUCA, JUNE 18, 1991

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REFERRED TO COMMITTEE ON JUDICIARY, JUNE 18, 1991

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for contempt for  
3 noncompliance with support order.

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

6 Section 1. Section 4345 of Title 23 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4345. Contempt for noncompliance with support order.

9 (a) General rule.--A person who willfully fails to comply  
10 with any order under this chapter, except an order subject to  
11 section 4344 (relating to contempt for failure of obligor to  
12 appear), may, as prescribed by general rule, be adjudged in  
13 contempt. Proof that a support order of a court of this  
14 Commonwealth was made, filed and served or that the obligor was  
15 present in court at the time the order was pronounced and proof  
16 of noncompliance by the obligor shall be prima facie evidence of

1 contempt of court. Financial inability to comply with an order  
2 under this chapter is an affirmative defense that may be  
3 asserted by the obligor. Financial inability must be established  
4 both at the time of nonpayment as well as at the time the  
5 obligor appears before the court for contempt. The obligor must  
6 prove financial inability by a preponderance of the evidence.

7 Contempt shall be punishable by any one or more of the  
8 following:

9           (1) Imprisonment for a period not to exceed six months.

10           (2) A fine not to exceed \$500.

11           (3) Probation for a period not to exceed six months.

12       (b) Condition for release.--An order committing a defendant  
13 to jail under this section shall specify the condition the  
14 fulfillment of which will result in the release of the obligor.

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