

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1754 Session of  
1999

INTRODUCED BY LYNCH, MASLAND, BATTISTO, BROWNE, DeLUCA, EGOLF,  
FLICK, GIGLIOTTI, GRUCELA, SERAFINI, WILT AND E. Z. TAYLOR,  
JUNE 21, 1999

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 21, 1999

AN ACT

1 Amending Titles 18 (Crimes and Offenses), 23 (Domestic  
2 Relations) and 42 (Judiciary and Judicial Procedure) of the  
3 Pennsylvania Consolidated Statutes, further providing for  
4 willful failure to pay support orders.

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

7 Section 1. Subchapter B of Chapter 43 of Title 18 of the  
8 Pennsylvania Consolidated Statutes is repealed.

9 Section 2. Chapter 43 of Title 18 is amended by adding a  
10 subchapter to read:

11 SUBCHAPTER B

12 NONSUPPORT

13 § 4321. Failure to pay support order.

14 (a) Offense defined.--An individual commits an offense if  
15 the individual intentionally fails to comply with a support  
16 order of a court of this Commonwealth when the individual has  
17 the financial ability to comply with the support order.

18 (b) Application.--This section applies to all support cases,

1 whether civil or criminal and whether the defendant is married,  
2 unmarried, separated or divorced.

3 (c) Grading.--An offense under this section constitutes a  
4 misdemeanor of the third degree.

5 (d) Jurisdiction.--Jurisdiction of an action under this  
6 section shall be in accordance with 23 Pa.C.S. § 4354(c)  
7 (relating to willful failure to pay support order).

8 Section 3. Section 4354(a) of Title 23 is amended to read:  
9 § 4354. Willful failure to pay support order.

10 (a) Offense defined.--An individual who willfully fails to  
11 comply with a support order of a court of this Commonwealth when  
12 the individual has the financial ability to comply with the  
13 support order commits a [summary offense] misdemeanor of the  
14 third degree.

15 \* \* \*

16 Section 4. Section 1515(a)(6)(ii) of Title 42 is amended to  
17 read:

18 § 1515. Jurisdiction and venue.

19 (a) Jurisdiction.--Except as otherwise prescribed by general  
20 rule adopted pursuant to section 503 (relating to reassignment  
21 of matters), district justices shall, under procedures  
22 prescribed by general rule, have jurisdiction of all of the  
23 following matters:

24 \* \* \*

25 (6) \* \* \*

26 (ii) Subparagraph (i) shall not apply to any offense  
27 under the following provisions of Title 18:

28 Section 4303 (relating to concealing death of  
29 child born out of wedlock).

30 Section [4321] 4321(d) (relating to [willful

1 separation or nonsupport] failure to pay support  
2 order).

3 Section 5103 (relating to unlawfully listening  
4 into deliberations of jury).

5 \* \* \*

6 Section 5. The amendment or addition of 18 Pa.C.S. § 4321  
7 and 23 Pa.C.S. § 4354(a) shall apply to offenses committed on or  
8 after the effective date of this act.

9 Section 6. This act shall take effect in 60 days.