Act of Oct. 9, 2008, P.L. 1384, No. 104   Cl. 23
Session of 2008
No. 2008-104

HB 1027

AN ACT

Amending Title 23 (Domestic Relations) of the Pennsylvania
   Consolidated Statutes, further providing for willful failure
   to pay support order.

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

   Section 1. Section 4354 of Title 23 of the Pennsylvania
Consolidated Statutes is amended to read:
 § 4354. Willful failure to pay support order.
   (a) Offense defined.--An individual who willfully fails to
comply with a support order of a court of this Commonwealth when
the individual has the financial ability to comply with the
support order commits [a summary offense]   **an offense** .
   (b) Application.--This section applies to all support cases,
whether civil or criminal and whether the defendant is married,
unmarried, separated or divorced.
   (c) Jurisdiction.--Exclusive original jurisdiction of a
proceeding under this section is vested in the courts of common
pleas of this Commonwealth.
   (d) Grading.--
      (1) Except as otherwise provided for in paragraph (2),
   an offense under this section shall constitute a summary
   offense.
      (2) An offense shall be graded a misdemeanor of the
   third degree if the individual convicted of the offense
   established residence outside this Commonwealth with the
   intention of not complying with the support order and either
   of the following apply:
         (i) the offense is a second or subsequent offense
      under this section; or
         (ii) the individual owes support in an amount equal
      to or greater than 12 months of the monthly support
      obligation.
   (e) Costs and expenses to be borne by individual.--An
individual convicted of an offense under this section who is
apprehended outside this Commonwealth shall, in addition to any
other sentence imposed, be sentenced to pay the costs and
expenses of rendition.
   Section 2. This act shall take effect in 60 days.

APPROVED--The 9th day of October, A. D. 2008.

EDWARD G. RENDELL