

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, E. Z. TAYLOR,
YUDICHAK, STABACK, FRANKEL, WILLIAMS AND PLATTS,
JUNE 21, 1999

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 16, 2000

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8 Pennsylvania Consolidated Statutes is repealed.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.

(b) Application.--This section applies to all support cases, whether civil or criminal and whether the defendant is married, unmarried, separated or divorced.

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

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

~~Section 3. Section 4354(a) of Title 23 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] misdemeanor of the third degree.~~

~~* * *~~

(C) GRADING.--

(1) AN OFFENSE UNDER THIS SECTION CONSTITUTES A SUMMARY OFFENSE IF THE OBLIGOR OWES SUPPORT IN THE AMOUNT EQUAL TO OR LESS THAN THREE MONTHS OF THE MONTHLY SUPPORT OBLIGATION.

(2) AN OFFENSE UNDER THIS SECTION CONSTITUTES A MISDEMEANOR OF THE SECOND DEGREE IF THE OBLIGOR OWES SUPPORT IN THE AMOUNT GREATER THAN THREE MONTHS OF THE MONTHLY SUPPORT OBLIGATION.

(D) JURISDICTION.--EXCLUSIVE ORIGINAL JURISDICTION OF A PROCEEDING UNDER THIS SECTION IS VESTED IN THE COURTS OF COMMON PLEAS OF THIS COMMONWEALTH.

(E) CRIMINAL HISTORY RECORD.--A CRIMINAL JUSTICE AGENCY SHALL DEEM A VIOLATION OF THIS SECTION WHEN GRADED A MISDEMEANOR OF THE SECOND DEGREE A SERIOUS MISDEMEANOR AND SHALL ENTER THE

1 VIOLATION INTO THE NCIC 2000 WANTED PERSON FILE.

2 (F) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
3 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
4 SUBSECTION:

5 "CRIMINAL JUSTICE AGENCY." AS DEFINED IN SECTION 9102
6 (RELATING TO DEFINITIONS).

7 "NCIC." THE NATIONAL CRIME INFORMATION CENTER AS DEFINED IN
8 28 CFR 20.3 (RELATING TO DEFINITIONS).

9 SECTION 3. SECTION 4354 OF TITLE 23 IS REPEALED.

10 Section 4. Section ~~1515(a)(6)(ii)~~ 1515(A)(1) AND (6)(II) of <—
11 Title 42 ~~is~~ ARE amended to read: <—

12 § 1515. Jurisdiction and venue.

13 (a) Jurisdiction.--Except as otherwise prescribed by general
14 rule adopted pursuant to section 503 (relating to reassignment
15 of matters), district justices shall, under procedures
16 prescribed by general rule, have jurisdiction of all of the
17 following matters:

18 (1) SUMMARY OFFENSES, EXCEPT THE FOLLOWING: <—

19 (I) A VIOLATION OF 18 PA.C.S. § 4321 (RELATING TO
20 FAILURE TO PAY SUPPORT ORDER).

21 (II) [THOSE] THOSE ARISING OUT OF THE SAME EPISODE
22 OR TRANSACTION INVOLVING A DELINQUENT ACT FOR WHICH A
23 PETITION ALLEGING DELINQUENCY IS FILED UNDER CHAPTER 63
24 (RELATING TO JUVENILE MATTERS).

25 * * *

26 (6) * * *

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

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

1 Section ~~[4321]~~ 4321(d) (relating to ~~[willful~~ <—
2 ~~separation or nonsupport]~~ failure to pay support
3 ~~order~~). [SECTION 4321 (RELATING TO WILLFUL SEPARATION <—
4 OR NONSUPPORT).]

5 Section 5103 (relating to unlawfully listening
6 into deliberations of jury).

7 * * *

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

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