

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1027 Session of 2007

INTRODUCED BY MOUL, MARSICO, STERN, RUBLEY, ARGALL, BASTIAN, BEAR, BOYD, CAPPELLI, COX, CREIGHTON, CURRY, CUTLER, DePASQUALE, EVERETT, GEIST, GRELL, HENNESSEY, JOSEPHS, KAUFFMAN, M. KELLER, KING, MACKERETH, MANTZ, R. MILLER, MOYER, MURT, NICKOL, PETRARCA, PETRONE, PICKETT, PYLE, QUINN, READSHAW, ROAE, SONNEY, VULAKOVICH, YOUNGBLOOD, LONGIETTI, MARSHALL, SIPTROTH, SAYLOR AND SCAVELLO, APRIL 5, 2007

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 14, 2008

AN ACT

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

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

6 Section 1. Section 4354 of the Title 23 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 4354. Willful failure to pay support order.

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

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

1 (c) Jurisdiction.--Exclusive original jurisdiction of a
2 proceeding under this section is vested in the courts of common
3 pleas of this Commonwealth.

4 (d) Grading.--

5 (1) Except as otherwise provided for in paragraph (2),
6 an offense under this section shall constitute a summary
7 offense.

8 (2) An offense shall be graded a misdemeanor of the
9 third degree if either of the following apply:

10 (i) the offense is a second or subsequent offense
11 under this section; or

12 (ii) the obligor owes support in an amount equal to
13 or greater than 12 months of the monthly support
14 obligation.

15 (E) COSTS AND EXPENSES TO BE BORNE BY INDIVIDUAL.--AN ←
16 INDIVIDUAL CONVICTED OF AN OFFENSE UNDER THIS SECTION WHO IS
17 APPREHENDED OUTSIDE THIS COMMONWEALTH SHALL, IN ADDITION TO ANY
18 OTHER SENTENCE IMPOSED, BE SENTENCED TO PAY THE COSTS AND
19 EXPENSES OF RENDITION.

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