
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, SCAVELLO AND CALTAGIRONE,
APRIL 5, 2007

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
SEPTEMBER 17, 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,

1 unmarried, separated or divorced.

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

5 (d) Grading.--

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

9 (2) An offense shall be graded a misdemeanor of the
10 third degree if THE INDIVIDUAL CONVICTED OF THE OFFENSE <—
11 ESTABLISHED RESIDENCE OUTSIDE THIS COMMONWEALTH WITH THE
12 INTENTION OF NOT COMPLYING WITH THE SUPPORT ORDER AND either
13 of the following apply:

14 (i) the offense is a second or subsequent offense
15 under this section; or

16 (ii) the ~~obligor~~ INDIVIDUAL owes support in an <—
17 amount equal to or greater than 12 months of the monthly
18 support obligation.

19 (e) Costs and expenses to be borne by individual.--An
20 individual convicted of an offense under this section who is
21 apprehended outside this Commonwealth shall, in addition to any
22 other sentence imposed, be sentenced to pay the costs and
23 expenses of rendition.

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