



SPONSOR: Rep. Dorsey Walker

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 267

1 AMEND House Bill No. 267 on lines 7-8 by deleting “Such punishment may not include incarceration unless the
2 defendant’s failure to pay was wilful and not due to an inability to pay support.” as it appears therein and inserting in lieu
3 thereof “Such punishment may not include commitment to the Department of Correction, including but not limited to
4 institutional confinement, unless the defendant had actual clear notice of the order and had the ability to pay but wilfully
5 failed to substantially comply with the obligation. The defendant must be provided the opportunity to avoid or be released
6 from commitment to the Department of Correction upon a reasonable measure of compliance established by the Court.”.

SYNOPSIS

This Amendment clarifies language in HB 267 by specifying that before the Family Court can order that a child support obligor in arrears be committed to the Department of Correction, including but not limited to institutional confinement, the defendant must have had actual clear notice of the child support order, must have had the ability to pay, and must have wilfully failed to substantially comply with the obligation.