HLS 16RS-1157 ORIGINAL

2016 Regular Session

HOUSE BILL NO. 544

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BY REPRESENTATIVE HOFFMANN

CRIMINAL/SENTENCING: Increases penalties for failure to pay child support

AN ACT

2	To amend and reenact R.S. 14:75(C), relative to child support; to provide for penalties for
3	failure to pay child support; and to provide for related matters.
4	Be it enacted by the Legislature of Louisiana:
5	Section 1. R.S. 14:75(C) is hereby amended and reenacted to read as follows:
6	§75. Failure to pay child support obligation
7	* * *
8	C.(1) For a first offense, the penalty for failure to pay a legal child support
9	obligation shall be a fine of not more than five hundred dollars or imprisonment for
10	not more than six months, or both.
11	(2) For a second or subsequent offense, the penalty for failure to pay a legal
12	child support obligation shall be a fine of not more than twenty-five two thousand
13	five hundred dollars or imprisonment with or without hard labor for not less than one
14	<u>year nor</u> more than two years five years, or both.
15	(3) Upon a conviction under this statute, the court shall order restitution in
16	an amount equal to the total unpaid support obligation as it exists at the time of
17	sentencing.
18	(4) In any case in which restitution is made prior to the time of sentencing.
19	except for a second or subsequent offense, the court may suspend all or any portion
20	of the imposition or execution of the sentence otherwise required in this Subsection.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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(5) The penalty for failure to pay a legal child support obligation when the amount of the arrearage is more than fifteen thousand dollars and the obligation has been outstanding for at least one year shall be a fine of not more than twenty-five two thousand five hundred dollars, or imprisonment with or without hard labor for not less than one year nor more than two years, five years, or both.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 544 Original

2016 Regular Session

Hoffmann

Abstract: Increases penalties for failure to pay child support.

<u>Present law</u>, regarding the crime of failure to pay child support, provides for a fine of not more than \$2,500 or imprisonment with or without hard labor for not more than two years, or both, for a second or subsequent offense. <u>Proposed law</u> retains the <u>present law</u> fine and increases the <u>present law</u> penalty to include imprisonment of not less than one year nor more than five years.

<u>Present law</u> provides that when the amount of child support arrearage is more than \$15,000 and the obligation has been outstanding for more than one year, the penalty shall be a fine of not more than \$2,500 or imprisonment with or without hard labor for not more than two years, or both. <u>Proposed law</u> retains the <u>present law</u> fine and increases the <u>present law</u> penalty to include imprisonment of not less than one year nor more than five years.

(Amends R.S. 14:75(C))