

104TH CONGRESS  
2D SESSION

# H. R. 4341

To establish felony violations for the failure to pay legal child support obligations, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 1996

Mr. SCHUMER (for himself and Mr. CONYERS) introduced the following bill;  
which was referred to the Committee on the Judiciary

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## A BILL

To establish felony violations for the failure to pay legal child support obligations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Support Recov-  
5 ery Amendments Act of 1996”.

6 **SEC. 2. ESTABLISHMENT OF FELONY VIOLATIONS.**

7 Section 228 of title 18, United States Code, is  
8 amended to read as follows:

9 **“§ 228. Failure to pay legal child support obligations**

10 **“(a) OFFENSE.—Whoever—**

1           “(1) willfully fails to pay a support obligation  
2           with respect to a child who resides in another State,  
3           if such obligation has remained unpaid for a period  
4           longer than 1 year, or is greater than \$5,000;

5           “(2) travels in interstate or foreign commerce  
6           with the intent to evade a support obligation, if such  
7           obligation has remained unpaid for a period longer  
8           than 1 year, or is greater than \$5,000; or

9           “(3) willfully fails to pay a support obligation  
10          with respect to a child who resides in another State,  
11          if such obligation has remained unpaid for a period  
12          longer than 2 years, or is greater than \$10,000;

13 shall be punished as provided in subsection (c).

14          “(b) PRESUMPTION.—The existence of a support ob-  
15          ligation that was in effect for the time period charged in  
16          the indictment or information creates a rebuttable pre-  
17          sumption that the obligor has the ability to pay the sup-  
18          port obligation for that time period.

19          “(c) PUNISHMENT.—The punishment for an offense  
20          under this section is—

21                 “(1) in the case of a first offense under sub-  
22                 section (a)(1), a fine under this title, imprisonment  
23                 for not more than 6 months, or both; and

24                 “(2) in the case of an offense under subsection  
25                 (a)(2) or (a)(3), or a second or subsequent offense

1 under subsection (a)(1), a fine under this title, im-  
2 prisonment for not more than 2 years, or both.

3 “(d) MANDATORY RESTITUTION.—Upon a conviction  
4 under this section, the court shall order restitution under  
5 section 3663A in an amount equal to the total unpaid sup-  
6 port obligation as it exists at the time of sentencing.

7 “(e) DEFINITIONS.—As used in this section—

8 “(1) the term ‘support obligation’ means any  
9 amount determined under a court order or an order  
10 of an administrative process pursuant to the law of  
11 a State to be due from a person for the support and  
12 maintenance of a child or of a child and the parent  
13 with whom the child is living; and

14 “(2) the term ‘State’ includes any State of the  
15 United States, the District of Columbia, and any  
16 commonwealth, territory, or possession of the United  
17 States.

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