

105TH CONGRESS  
1ST SESSION

# S. 1371

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## AN ACT

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 “Deadbeat Parents  
5 Punishment Act of 1997”.

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

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

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

5 “(a) OFFENSE.—Any person who—

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

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

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

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

19 “(b) PRESUMPTION.—The existence of a support ob-  
20 ligation that was in effect for the time period charged in  
21 the indictment or information creates a rebuttable pre-  
22 sumption that the obligor has the ability to pay the sup-  
23 port obligation for that time period.

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

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

4           “(2) in the case of an offense under paragraph  
5           (2) or (3) of subsection (a), or a second or subse-  
6           quent offense under subsection (a)(1), a fine under  
7           this title, imprisonment for not more than 2 years,  
8           or both.

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

13          “(e) VENUE.—With respect to an offense under this  
14          section, an action may be inquired of and prosecuted in  
15          a district court of the United States for—

16                 “(1) the district in which the child who is the  
17                 subject of the support obligation involved resided  
18                 during a period during which a person described in  
19                 subsection (a) (referred to in this subsection as an  
20                 ‘obliger’) failed to meet that support obligation;

21                 “(2) the district in which the obliger resided  
22                 during a period described in paragraph (1); or

23                 “(3) any other district with jurisdiction other-  
24                 wise provided for by law.

25          “(f) DEFINITIONS.—As used in this section—

1           “(1) the term ‘Indian tribe’ has the meaning  
2 given that term in section 102 of the Federally Rec-  
3 ognized Indian Tribe List Act of 1994 (25 U.S.C.  
4 479a);

5           “(2) the term ‘State’ includes any State of the  
6 United States, the District of Columbia, and any  
7 commonwealth, territory, or possession of the United  
8 States; and

9           “(3) the term ‘support obligation’ means any  
10 amount determined under a court order or an order  
11 of an administrative process pursuant to the law of  
12 a State or of an Indian tribe to be due from a per-  
13 son for the support and maintenance of a child or  
14 of a child and the parent with whom the child is liv-  
15 ing.”.

Passed the Senate November 13, 1997.

Attest:

*Secretary.*

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