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**H. B. 2808**

(By Delegates Iaquinta, Fragale, Longstreth,  
D. Poling, Walters, Givens, Miley and Carmichael)

[Introduced January 24, 2011; referred to the  
Committee on the Judiciary.]

10 A BILL to amend and reenact §61-5-29 of the Code of West Virginia,  
11 1931, as amended, relating to crimes against public justice;  
12 misdemeanor penalty for failure to meet an obligation to pay  
13 support to a minor; and reducing from six months to three  
14 months the period of delinquency for failure to meet an  
15 obligation to pay support to a minor before failure to pay is  
16 a misdemeanor penalty.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §61-5-29 of the Code of West Virginia, 1931, as amended,  
19 be amended and reenacted to read as follows:

20 **ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.**

21 **§61-5-29. Failure to meet an obligation to pay support to a minor;**  
22 **penalties.**

23 (1) A person who: (a) Repeatedly and willfully fails to pay  
24 his or her court-ordered support which he or she can reasonably  
25 provide and which he or she knows he or she has a duty to provide

1 to a minor; and (b) is subject to court order to pay any amount for  
2 the support of a minor child and is delinquent in meeting the full  
3 obligation established by the order and has been delinquent for a  
4 period of at least ~~six~~ three months' duration is guilty of a  
5 misdemeanor and, upon conviction thereof, shall be fined not less  
6 than \$100 nor more than \$1,000, or confined in jail for not more  
7 than one year, or both fined and confined.

8       (2) A person who repeatedly and willfully fails to pay his or  
9 her court-ordered support which he or she can reasonably provide  
10 and which he or she knows he or she has a duty to provide to a  
11 minor by virtue of a court or administrative order and the failure  
12 results in twelve months without payment of support that remains  
13 unpaid is guilty of a felony and, upon conviction thereof, shall be  
14 fined not less than \$100 nor more than \$1,000, or imprisoned for  
15 not less than one year nor more than three years, or both fined and  
16 imprisoned.

NOTE: The purpose of this bill is to reduce from six months to  
three months the period of delinquency for failure to meet an  
obligation to pay support to a minor before failure to pay is a  
misdemeanor penalty.

Strike-throughs indicate language that would be stricken from  
the present law, and underscoring indicates new language that would  
be added.