

1 ~~(1)~~ A person who: (a) Repeatedly and willfully fails to pay
2 his or her court-ordered support which he or she can reasonably
3 provide and which he or she knows he or she has a duty to provide
4 to a minor; and (b) is subject to court order to pay any amount for
5 the support of a minor child and is delinquent in meeting the full
6 obligation established by the order and has been delinquent for a
7 period of at least six months' duration is guilty of a misdemeanor
8 and, upon conviction thereof, shall for the first offense be fined
9 not less than \$100 nor more than \$1,000 or, ~~confined in jail~~
10 sentenced to a term of probation for not more than one year with
11 home incarceration, pursuant to article eleven-b, chapter sixty-two
12 of this code, as a mandatory condition of probation, or both fined
13 and ~~confined~~ sentenced to probation. Any person convicted under
14 this section who is not gainfully employed at the time of
15 conviction shall, as a condition of home confinement, obtain
16 employment or register with Workforce West Virginia and complete
17 any job training recommended by Workforce West Virginia. For a
18 second offense, the person is guilty of a misdemeanor and, upon
19 conviction thereof, shall be fined not less than \$100 nor more than
20 \$1,000, or confined in jail for not more than one year, or both
21 fined and confined. For a third or subsequent offense, the person
22 is guilty of a felony and, upon conviction thereof, shall be fined
23 not less than \$100 nor more than \$1,000, or imprisoned in a state
24 correctional facility for not less than one year nor more than

1 three years, or both fined and imprisoned.

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

NOTE: The purpose of this bill is to ensure persons who are willfully not paying child support be sentenced to home confinement, while either working, looking for work or getting job training from Workforce West Virginia, instead of being confined in jail for a first offense. It creates graduated sanctions for second, third and subsequent offenses.

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