1	Senate Bill No. 624
2	(By Senators Palumbo, Cookman, Stollings, Barnes, Kessler (Mr.
3	President) and Fitzsimmons)
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5	[Introduced March 22, 2013; referred to the Committee on the
6	Judiciary.]
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10	A BILL to amend and reenact $\$61-5-29$ of the Code of West Virginia,
11	1931, as amended, relating to adjusting penalties for willful
12	failure to pay child support; requiring probation and home
13	confinement instead of confinement in a correctional facility
14	for first violations; making second offense a misdemeanor and
15	third and subsequent offenses a felony; and requiring a person
16	convicted of willfully failing to pay child support to obtain
17	employment or register with Workforce West Virginia, including
18	following certain programs.
19	Be it enacted by the Legislature of West Virginia:
20	That §61-5-29 of the Code of West Virginia, 1931, as amended,
21	be amended and reenacted to read as follows:
22	ARTICLE 5. CRIMES AGAINST PUBLIC JUSTICE.
23	§61-5-29. Failure to meet an obligation to pay support to a minor;
24	penalties.

(1) A person who: (a) Repeatedly and willfully fails to pay 1 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.