

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 4826

(As passed the House, September 30, 1999)

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
by amending section 165 (MCL 750.165).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 165. ~~Refusing to support wife or children as required~~
2 ~~in decree of separate maintenance or divorce or order of~~
3 ~~court--Where in any decree of divorce, or decree of separate~~
4 ~~maintenance granted in this state, or by order entered during the~~
5 ~~pendency of any such proceedings, if personal service is had upon~~
6 ~~the husband or upon the father of any minor child or children,~~
7 ~~under the age of 17 years, or such husband or father shall have~~
8 ~~entered an appearance in such proceedings either as plaintiff or~~
9 ~~defendant, the court shall order such husband to pay any amount~~
10 ~~to the clerk or friend of the court for the support of any wife~~
11 ~~or former wife who by reason of any physical or mental affliction~~

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~~1 is unable to support herself, or father to pay any amount to the
2 clerk or friend of the court for the support of such minor child
3 or children, and said husband or father shall refuse or neglect
4 to pay such amount at the time stated in such order and shall
5 leave the state of Michigan, said husband or father shall be
6 guilty of a felony: Provided, however, If at any time before
7 sentence he shall enter into bond to the people of the state of
8 Michigan, in such penal sum and with such surety or sureties as
9 the court may fix, conditioned that he will comply with the terms
10 of such order or decree, then the court may suspend sentence
11 therein: Provided further, That upon failure of such person to
12 comply with said undertaking he may be ordered to appear before
13 the court and show cause why sentence should not be imposed,
14 whereupon the court may pass sentence, or for good cause shown
15 may modify the order and take a new undertaking and further sus-
16 pend sentence as may be just and proper.~~

17 (1) IF THE COURT ORDERS AN INDIVIDUAL TO PAY SUPPORT FOR THE
18 INDIVIDUAL'S FORMER OR CURRENT SPOUSE, OR FOR A CHILD OF THE
19 INDIVIDUAL, AND THE INDIVIDUAL DOES NOT PAY THE SUPPORT IN THE
20 AMOUNT OR AT THE TIME STATED IN THE ORDER, THE INDIVIDUAL IS
21 GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 4
22 YEARS OR BY A FINE OF NOT MORE THAN \$2,000.00, OR BOTH.

23 (2) THIS SECTION DOES NOT APPLY UNLESS THE INDIVIDUAL
24 ORDERED TO PAY SUPPORT APPEARED IN, OR RECEIVED NOTICE BY PER-
25 SONAL SERVICE OF, THE ACTION IN WHICH THE SUPPORT ORDER WAS
26 ISSUED.

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1 (3) THE COURT MAY SUSPEND THE SENTENCE OF AN INDIVIDUAL
2 CONVICTED UNDER THIS SECTION IF THE INDIVIDUAL FILES WITH THE
3 COURT A BOND IN THE AMOUNT AND WITH THE SURETIES THE COURT
4 REQUIRES. AT A MINIMUM, THE BOND MUST BE CONDITIONED ON THE
5 INDIVIDUAL'S COMPLIANCE WITH THE SUPPORT ORDER. IF THE COURT
6 SUSPENDS A SENTENCE UNDER THIS SUBSECTION AND THE INDIVIDUAL DOES
7 NOT COMPLY WITH THE SUPPORT ORDER OR ANOTHER CONDITION ON THE
8 BOND, THE COURT MAY ORDER THE INDIVIDUAL TO APPEAR AND SHOW CAUSE
9 WHY THE COURT SHOULD NOT IMPOSE THE SENTENCE AND ENFORCE THE
10 BOND. AFTER THE HEARING, THE COURT MAY ENFORCE THE BOND OR
11 IMPOSE THE SENTENCE, OR BOTH, OR MAY PERMIT THE FILING OF A NEW
12 BOND AND AGAIN SUSPEND THE SENTENCE. THE COURT SHALL ORDER A
13 SUPPORT AMOUNT ENFORCED UNDER THIS SECTION TO BE PAID TO THE
14 CLERK OR FRIEND OF THE COURT OR TO THE STATE DISBURSEMENT UNIT.

15 (4) AS USED IN THIS SECTION, "STATE DISBURSEMENT UNIT" OR
16 "SDU" MEANS THE ENTITY ESTABLISHED IN SECTION 6 OF THE OFFICE OF
17 CHILD SUPPORT ACT, 1971 PA 174, MCL 400.236.

18 Enacting section 1. This amendatory act does not take
19 effect unless House Bill No. 4816 of the 90th Legislature is
20 enacted into law.