
HOUSE BILL No. 1416

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-5.

Synopsis: Child nonsupport. Specifies that the enhancement of the crime of nonsupport of a child from a Class D felony to a Class C felony applies when the offender owes child support of less than \$10,000 for any one child, but in the aggregate owes at least \$10,000 in unpaid child support for all children that the offender is obligated to support.

Effective: Upon passage.

Ayres, Sturtz, Becker

January 11, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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HOUSE BILL No. 1416



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-1-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A person
3 who knowingly or intentionally fails to provide support to the person's
4 dependent child commits nonsupport of a child, a Class D felony.
5 However, the offense is a Class C felony if the **total** amount of unpaid
6 support that is due and owing **for one (1) or more children** is at least
7 ten thousand dollars (\$10,000).

8 (b) It is a defense that the child had abandoned the home of his
9 family without the consent of his parent or on the order of a court, but
10 it is not a defense that the child had abandoned the home of his family
11 if the cause of the child's leaving was the fault of his parent.

12 (c) It is a defense that the accused person, in the legitimate practice
13 of his religious belief, provided treatment by spiritual means through
14 prayer, in lieu of medical care, to his dependent child.

15 (d) It is a defense that the accused person was unable to provide
16 support.

17 SECTION 2. [EFFECTIVE UPON PASSAGE] **IC 35-46-1-5, as**



1 **amended by this act, applies to all offenders who owe at least ten**
2 **thousand dollars (\$10,000) in unpaid child support after the**
3 **effective date of this act, regardless of when the liability was**
4 **accrued.**

5 **SECTION 3. An emergency is declared for this act.**

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