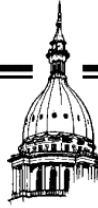




Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



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Senate Bill 520 (Substitute S-1 as reported)
Sponsor: Senator Judy K. Emmons
Committee: Families, Seniors and Human Services

CONTENT

The bill would amend the Michigan Penal Code to do the following:

- Provide that an order for restitution for violation of a child support order could not include a separate award for the arrearage amount.
- Require the restitution order to direct the individual to pay the arrearage.
- Allow a court to order additional restitution.

Under Section 165 of the Code, if an individual does not pay court-ordered spousal or child support in the amount or at the time stated in the order, he or she is guilty of a felony punishable by up to four years' imprisonment and/or a maximum fine of \$2,000.

Under the bill, an order for restitution for a violation of Section 165 could not include a separate award for the unpaid amount in arrearage under the support order. The restitution order would have to refer to the support order and direct the individual to pay the unpaid amount in arrearage pursuant to the support order. The court could impose terms and conditions as appropriate to ensure compliance with payment of the arrearage. The court could order additional restitution under the Crime Victim's Rights Act.

Section 165 does not apply unless the individual appeared in, or received notice by personal service of, the action in which the support order was issued. Under the bill, instead, Section 165 would not apply unless the court in which the support order was issued had personal jurisdiction over the individual ordered to pay support.

MCL 750.165

Legislative Analyst: Glenn Steffens

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 11-13-13

Fiscal Analyst: Dan O'Connor