



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



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 520 (as introduced 9-19-13)
Sponsor: Senator Judy K. Emmons
Committee: Families, Seniors and Human Services

Date Completed: 10-23-13

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 restitution order to include a separate award for damages that had not been addressed in another court order.**
- **Include an individual's payment of support as evidence that he or she had notice of a child support action.**

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. (Section 165 also contains provisions regarding custody of the individual upon arrest, the establishment and deposit of a cash bond, and suspension of the sentence.)

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 in the restitution order as appropriate to ensure compliance with payment of the arrearage. A restitution order could include a separate award for damages caused by the individual's violation that had not been addressed in another court order.

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, Section 165 would not apply unless the individual had notice of the action as evidenced by at least one of the following in the action in which support was ordered:

- Personal service.
- Appearing.
- Making voluntary or involuntary payments

MCL 750.165

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: Dan O'Connor

S1314\520sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.