

FIRST REGULAR SESSION

HOUSE BILL NO. 421

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FLOOK (Sponsor), FISHER, MUSCHANY, WETER, DUSENBERG, DAVIS, DIXON, SCHAD, QUINN (7), MOORE, RUESTMAN, PAGE, ROORDA, SANDER, MEADOWS, EMERY, YATES, OXFORD, NIEVES, FAITH, KRAUS, RICHARD AND BIVINS (Co-sponsors).

Read 1st time January 16, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1230L.01I

AN ACT

To repeal section 568.040, RSMo, and to enact in lieu thereof two new sections relating to criminal nonsupport, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 568.040, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 313.819 and 568.040, to read as follows:

313.819. 1. No person who has been found guilty of or has pled guilty to the crime of nonsupport of a spouse or child under section 568.040, RSMo, shall be admitted on an excursion gambling boat or in a casino in this state until such time as the person has satisfied all arrearages due.

2. The family support division within the department of social services shall provide a list to every excursion gambling boat or casino in this state containing the names of all persons known to the division who are barred from admittance on an excursion gambling boat or casino under subsection 1 of this section. Such list shall be updated by the division on at least a monthly basis and may be provided in an electronic format.

3. The restriction on admittance to excursion gambling boats and casinos in this state contained in this section is intended to operate as a remedial measure only for the sole purpose of protecting the financial support of the spouse and children in this state.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 **4. Any excursion gambling boat or casino that knowingly permits a person barred**
14 **from admittance under subsection 1 of this section to gamble on such boat or in such casino**
15 **shall be subject to a fine of one thousand dollars.**

568.040. 1. A person commits the crime of nonsupport if [he] **such person** knowingly
2 fails to provide, without good cause, adequate support for his **or her** spouse; a parent commits
3 the crime of nonsupport if such parent knowingly fails to provide, without good cause, adequate
4 support which such parent is legally obligated to provide for his **or her** child or stepchild who
5 is not otherwise emancipated by operation of law.

6 2. For purposes of this section:

7 (1) "Child" means any biological or adoptive child, or any child legitimated by legal
8 process, or any child whose relationship to the defendant has been determined, by a court of law
9 in a proceeding for dissolution or legal separation, to be that of child to parent;

10 (2) "Good cause" means any substantial reason why the defendant is unable to provide
11 adequate support. Good cause does not exist if the defendant purposely maintains his **or her**
12 inability to support;

13 (3) "Support" means food, clothing, lodging, and medical or surgical attention;

14 (4) It shall not constitute a failure to provide medical and surgical attention, if
15 nonmedical remedial treatment recognized and permitted under the laws of this state is provided.

16 3. The defendant shall have the burden of injecting the issues raised by subdivisions (2)
17 and (4) of subsection 2.

18 4. Criminal nonsupport is a class A misdemeanor, unless the person obligated to pay
19 child support commits the crime of nonsupport in each of six individual months within any
20 twelve-month period, or the total arrearage is in excess of five thousand dollars, in either of
21 which case it is a class D felony.

22 5. [Beginning January 1, 1991,] Every prosecuting attorney in any county which has
23 entered into a cooperative agreement with the **family support** division [of child support
24 enforcement] shall report to the division on a quarterly basis the number of charges filed and the
25 number of convictions obtained under this section by the prosecuting attorney's office on all
26 IV-D cases. The division shall consolidate the reported information into a statewide report by
27 county and make the report available to the general public.

28 6. Persons accused of committing the offense of nonsupport of the child shall be
29 prosecuted:

30 (1) In any county in which the child resided during the period of time for which the
31 defendant is charged; or

32 (2) In any county in which the defendant resided during the period of time for which the
33 defendant is charged.

34 **7. Any person who has been found guilty of or has pled guilty to criminal**
35 **nonsupport of a child under this section shall be barred from admittance on an excursion**
36 **gambling boat or casino in this state until all arrearages due are satisfied in accordance**
37 **with section 313.819, RSMo. The restriction on admittance to excursion gambling boats**
38 **and casinos in this state contained in this subsection and section 313.819, RSMo, is**
39 **intended to operate as a remedial measure only for the sole purpose of protecting the**
40 **financial support of the spouses and children in this state.**

41 **8. Any person who violates the provisions of subsection 7 of this section is guilty of**
42 **a class B misdemeanor.**

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