

SCS SB 140 -- CRIMINAL NONSUPPORT

SPONSOR: Smith (Jones, 89)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 11 to 0.

This substitute allows criminal nonsupport courts to be established by any circuit court to provide an alternative for the criminal disposal of criminal nonsupport cases. The court must combine judicial supervision, substance abuse treatment, education, vocational or employment training, and support payment plans. Charges and penalties may be reduced or modified based upon the successful completion of the program or support payment plan. Courts may place incarcerated persons on work release subject to conditions mandating payment of child support and any arrearage. The substitute establishes a 10-member Criminal Nonsupport Courts Coordinating Commission to coordinate and allocate resources through the newly created Criminal Nonsupport Court Resources Fund to assist circuit courts. Beginning August 28, 2009, every nonviolent first- and second-time offender incarcerated for criminal nonsupport, who has not previously been placed on probation or parole, may be considered for parole or work release.

The penalty for criminal nonsupport will be a class A misdemeanor unless the total arrearage is in excess of the total of 12 monthly payments in which case it will be a class D felony. Individuals on probation and parole for criminal nonsupport may be ordered to make child support payments or have their probation or parole revoked and an appropriate sentence imposed. The affirmative defense of inability to provide support must be proven by a preponderance of the evidence.

FISCAL NOTE: Estimated Income on General Revenue Fund of Up to \$1,450,086 in FY 2010, Up to \$1,493,589 in FY 2011, and Up to \$1,538,396 in FY 2012. No impact on Other State Funds in FY 2010, FY 2011, and FY 2012.

PROPONENTS: Supporters say that Missouri currently incarcerates thousands of fathers for criminal nonsupport and these felony convictions result in the total inability of the fathers to pay child support. It is reasonable to modify support requirements based on the ability of fathers to pay. The program requires agreement by the prosecutor.

Testifying for the bill were Senator Smith; Missouri Association of Prosecuting Attorneys; Missouri Office of Prosecution Services; Judicial Conference of Missouri; Fathers Support Center; Holly Finch; Richard Pearce; and Dexter Moorehead.

OPPONENTS: There was no opposition voiced to the committee.