

No. 2008-104

AN ACT

HB 1027

Amending Title 23 (Domestic Relations) of the Pennsylvania Consolidated Statutes, further providing for willful failure to pay support order.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 4354 of Title 23 of the Pennsylvania Consolidated Statutes is amended to read:

§ 4354. Willful failure to pay support order.

(a) Offense defined.—An individual who willfully fails to comply with a support order of a court of this Commonwealth when the individual has the financial ability to comply with the support order commits **[a summary offense] an offense.**

(b) Application.—This section applies to all support cases, whether civil or criminal and whether the defendant is married, unmarried, separated or divorced.

(c) Jurisdiction.—Exclusive original jurisdiction of a proceeding under this section is vested in the courts of common pleas of this Commonwealth.

(d) Grading.—

(1) Except as otherwise provided for in paragraph (2), an offense under this section shall constitute a summary offense.

(2) An offense shall be graded a misdemeanor of the third degree if the individual convicted of the offense established residence outside this Commonwealth with the intention of not complying with the support order and either of the following apply:

(i) the offense is a second or subsequent offense under this section; or

(ii) the individual owes support in an amount equal to or greater than 12 months of the monthly support obligation.

(e) *Costs and expenses to be borne by individual.—An individual convicted of an offense under this section who is apprehended outside this Commonwealth shall, in addition to any other sentence imposed, be sentenced to pay the costs and expenses of rendition.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 9th day of October, A.D. 2008.

EDWARD G. RENDELL