

By: Representative Holland

To: Judiciary A

## HOUSE BILL NO. 1447

1 AN ACT TO AMEND SECTIONS 97-5-3 AND 99-1-5, MISSISSIPPI CODE  
2 OF 1972, TO REVISE THE CRIMINAL STATUTE FOR NONPAYMENT OF CHILD  
3 SUPPORT TO INCREASE THE APPLICABLE AGE OF THE CHILD, EXTEND THE  
4 STATUTE OF LIMITATIONS, PROVIDE FOR THE VENUE OF SUCH ACTIONS AND  
5 CREATE A PRESUMPTION OF ABILITY TO PAY UPON PROOF OF A SUPPORT  
6 ORDER; AND FOR RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** Section 97-5-3, Mississippi Code of 1972, is  
9 amended as follows:

10 97-5-3. Any parent who \* \* \* desertsg or willfully neglectsg  
11 or refusesg to provide for the support and maintenance of his or  
12 her child or children, including the natural parent of an  
13 illegitimate child or children in which paternity has been  
14 established by law or when the natural parent has acknowledged  
15 paternity in writing, while the child or children are under the  
16 age of twenty-one (21) years, shall be guilty of a felony and, on  
17 conviction thereof, shall be punished for a first offense by a  
18 fine of not less than One Hundred Dollars (\$100.00) nor more than  
19 Five Hundred Dollars (\$500.00), or by commitment to the custody of  
20 the Department of Corrections not more than five (5) years, or  
21 both; and for a second or subsequent offense, by a fine of not  
22 less than One Thousand Dollars (\$1,000.00) nor more than Ten  
23 Thousand Dollars (\$10,000.00), or by commitment to the custody of  
24 the Department of Corrections not less than two (2) years nor more  
25 than five (5) years, or both, in the discretion of the court. A  
26 presumption of desertion, neglect or nonsupport shall be  
27 established by a support obligation and a statement of arrearages.  
28 The local venue for this offense shall be either in the county  
29 where (a) the support obligation was obtained, (b) the custodial

30 parent resides, (c) the child or children reside, or (d) where the  
31 noncustodial parent resides.

32 **SECTION 2.** Section 99-1-5, Mississippi Code of 1972, is  
33 amended as follows:

34 99-1-5. A person shall not be prosecuted for any offense,  
35 with the exception of murder, manslaughter, aggravated assault,  
36 kidnapping, arson, burglary, forgery, counterfeiting, robbery,  
37 larceny, rape, embezzlement, obtaining money or property under  
38 false pretenses or by fraud, felonious abuse or battery of a child  
39 as described in Section 97-5-39, touching or handling a child for  
40 lustful purposes as described in Section 97-5-23, sexual battery  
41 of a child as described in Section 97-3-95(1)(c) or (d), or  
42 exploitation of children as described in Section 97-5-33, or  
43 desertion or nonsupport of a child as described in Section 97-5-3,  
44 unless the prosecution for the offense is begun within two (2)  
45 years next after the commission thereof, but nothing contained in  
46 this section shall bar any prosecution against any person  
47 who \* \* \* absconds or fles from justice, or \* \* \* absents himself  
48 from this state or out of the jurisdiction of the court, or so  
49 conducts himself that he cannot be found by the officers of the  
50 law, or that process cannot be served upon him.

51 **SECTION 3.** This act shall take effect and be in force from  
52 and after July 1, 2004.