

By: Senator(s) Kirby (By Request)

To: Judiciary, Division A

SENATE BILL NO. 2217

1 AN ACT TO CODIFY SECTION 93-11-165, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE THE COURT TO ORDER A DEFENDANT WHO IS DELINQUENT FOR  
3 NONCOMPLIANCE WITH AN ORDER FOR CHILD SUPPORT AND WHO IS ELIGIBLE  
4 FOR THE MILITARY DRAFT TO ENLIST IN THE ARMED FORCES; TO PROVIDE  
5 THAT IN SUCH CASES THE COURT WILL ORDER THAT THE DEFENDANT'S  
6 MILITARY COMPENSATION WILL BE GARNISHED FOR PURPOSES OF CHILD  
7 SUPPORT PAYMENTS; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** The following provision shall be codified as

10 Section 93-11-165, Mississippi Code of 1972:

11 93-11-165. In addition to the procedures in Sections  
12 93-11-157 and 93-11-163 regarding suspension of license for  
13 nonpayment of child support, the court may, upon a finding that a  
14 defendant is (a) delinquent for being out of compliance with an  
15 order for support and (b) eligible for military service, order the  
16 defendant to report to the United States Selective Service System  
17 for immediate enlistment into an appropriate branch of the Armed  
18 Forces. In its discretion, the court may stay such an order for a  
19 reasonable time to allow the defendant to purge himself of the  
20 delinquency. In such cases, the court shall order the United  
21 States Selective Service System to report to the court on  
22 compliance with such required enlistment and shall, on suggestion  
23 of the plaintiff or on its own motion, issue a withholding order  
24 upon the service branch of the military in which the defendant  
25 enlists to forward all compensation due to the defendant to the  
26 court for payment of the arrearage in child support. Payments  
27 made under such withholding order shall be in addition to the  
28 defendant's ongoing obligation under the latest entered periodic  
29 order for support. Any such military service ordered by a court

30 under this section shall not exceed six (6) years without the  
31 consent of the defendant.

32         **SECTION 2.** This act shall take effect and be in force from  
33 and after July 1, 2004.