

By: Senator(s) Nunnelee

To: Judiciary, Division B

SENATE BILL NO. 2123

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 shall desert or willfully neglect or  
11 refuse to provide for the support and maintenance of his or her  
12 child or children, including the natural parent of an illegitimate  
13 child or children wherein paternity has been established by law or  
14 when the natural parent has acknowledged paternity in writing,  
15 while said child or children are under the age of twenty-one (21)  
16 years shall be guilty of a felony and, on conviction thereof,  
17 shall be punished for a first offense by a fine of not less than  
18 One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars  
19 (\$500.00), or by commitment to the custody of the Department of  
20 Corrections not more than five (5) years, or both; and for a  
21 second or subsequent offense, by a fine of not less than One  
22 Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars  
23 (\$10,000.00), or by commitment to the custody of the Department of  
24 Corrections not less than two (2) years nor more than five (5)  
25 years, or both, in the discretion of the court. The existence of  
26 a support obligation and statement of arrearage shall create a  
27 presumption of desertion, neglect or nonsupport. Venue for the  
28 offense shall lie in the county where (a) the support obligation

29 was obtained, (b) the custodial parent resides, (c) the child or  
30 children reside, or (d) where the noncustodial parent resides.

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

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

50 **SECTION 3.** This act shall take effect and be in force from  
51 and after July 1, 2006.