MISSISSIPPI LEGISLATURE REGULAR SESSION 2007

By: Representative Holland

To: Judiciary A

HOUSE BILL NO. 898

AN ACT TO AMEND SECTION 93-11-117, MISSISSIPPI CODE OF 1972, TO INCREASE THE CIVIL CONTEMPT FINES UPON EMPLOYERS WHO REFUSE TO COMPLY WITH INCOME WITHHOLDING ORDERS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 93-11-117, Mississippi Code of 1972, is amended as follows:

93-11-117. (1) In cases in which a payor willfully fails to withhold or pay over income pursuant to a valid order for withholding, the following penalties shall apply:

(a) The payor shall be liable for a civil penalty of not more than:

(i) Five Hundred Dollars ($500.00); or

(ii) One Thousand Dollars ($1,000.00) in an instance where the failure to comply is the result of collusion between the payor and the obligor; and

(b) The court, upon due notice and hearing, shall enter judgment and direct the issuance of an execution for the total amount that the payor willfully failed to withhold or pay over.

(2) In cases in which a payor discharges, disciplines, refuses to hire or otherwise penalizes an obligor as prohibited by subsection (9) of Section 93-11-111, the court, upon due notice and hearing, shall fine the payor in an amount not to exceed Fifty Dollars ($50.00).

(3) Any obligee, the department or obligor who willfully initiates a false proceeding under Sections 93-11-101 through 93-11-119 or who willfully fails to comply with the requirements

of Sections 93-11-101 through 93-11-119 shall be punished as in cases of contempt of court.

SECTION 2. This act shall take effect and be in force from and after July 1, 2007.