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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **2602**

03/03/2014 Authored by Mullery  
The bill was read for the first time and referred to the Committee on Civil Law

1.1 A bill for an act  
1.2 relating to crime; clarifying the crime of failure to pay court-ordered child  
1.3 support; amending Minnesota Statutes 2012, section 609.375, subdivisions 1, 7, 8.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2012, section 609.375, subdivision 1, is amended to read:

1.6 Subdivision 1. **Crime defined.** Whoever is legally obligated to provide ~~care and~~  
1.7 court-ordered child support to a spouse or child, whether or not the child's custody has  
1.8 been granted to another, and knowingly omits and fails to do so is guilty of a misdemeanor,  
1.9 and upon conviction may be sentenced to imprisonment for not more than 90 days or to  
1.10 payment of a fine of not more than \$1,000, or both.

1.11 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes  
1.12 committed on or after that date.

1.13 Sec. 2. Minnesota Statutes 2012, section 609.375, subdivision 7, is amended to read:

1.14 Subd. 7. **Conditions of work release; probation violation.** Upon conviction under  
1.15 this section, a defendant may obtain work release only upon the imposition of an automatic  
1.16 income withholding order, and may be required to post a bond in avoidance of jail time  
1.17 and conditioned upon payment of all court-ordered child support owed. Nonpayment of  
1.18 court-ordered child support is a violation of any probation granted following conviction  
1.19 under subdivision 2a.

1.20 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes  
1.21 committed on or after that date.

2.1 Sec. 3. Minnesota Statutes 2012, section 609.375, subdivision 8, is amended to read:

2.2 Subd. 8. **Defense.** It is an affirmative defense to criminal liability under this section  
2.3 if the defendant proves by a preponderance of the evidence that the omission and failure to  
2.4 provide ~~care and~~ court-ordered child support were with lawful excuse.

2.5 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes  
2.6 committed on or after that date.