

By: Jones of Harris

H.B. No. 4492

A BILL TO BE ENTITLED

AN ACT

relating to the failure to pay child support by certain biological fathers; creating a criminal offense.

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

SECTION 1. Chapter 157, Family Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. CRIMINAL OFFENSE OF FAILURE TO PAY CHILD SUPPORT

Sec. 157.601. APPLICABILITY. This subchapter applies only to a biological father who fails to pay child support for a child born to a mother who during the pregnancy was unable to access or receive abortion services.

Sec. 157.602. CRIMINAL OFFENSE: FAILURE TO PAY CHILD SUPPORT. (a) A biological father described by Section 157.601 commits an offense if the father accrues child support arrearages for a period of six months or longer.

(b) An offense under Subsection (a) is a Class B misdemeanor with a term of confinement of not less than 180 days, except that:

(1) the offense is a Class A misdemeanor with a term of confinement of not less than one year if the father has been previously convicted one time of an offense under Subsection (a); and

(2) the offense is a state jail felony if the father has been previously convicted two or more times of an offense under Subsection (a).

1       (c) If a father is convicted of an offense under this  
2 section punishable as a Class B misdemeanor, the court may sentence  
3 the defendant to a term of confinement of less than 180 days if the  
4 defendant consents to undergo a voluntary vasectomy.

5       (d) If a father is convicted of an offense under this  
6 section punishable as a Class A misdemeanor, the court may sentence  
7 the defendant to a term of confinement of less than one year if the  
8 defendant has not previously undergone a voluntary vasectomy under  
9 Subsection (c) and consents to undergo a voluntary vasectomy.

10       (e) If conduct constituting an offense under Subsection (b)  
11 also constitutes an offense under Section 25.05, Penal Code, or  
12 another provision of law, the defendant may be prosecuted under  
13 either or both laws.

14       Sec. 157.603. AFFIRMATIVE DEFENSE. It is an affirmative  
15 defense to prosecution under Section 157.602 that the biological  
16 father supported the mother's efforts to access and receive  
17 abortion services during the pregnancy.

18       SECTION 2. Subchapter L, Chapter 157, Family Code, as added  
19 by this Act, applies only to child support arrearages that accrue on  
20 or after the effective date of this Act. Child support arrearages  
21 that accrue before the effective date of this Act are governed by  
22 the law in effect immediately before the effective date of this Act,  
23 and the former law is continued in effect for that purpose.

24       SECTION 3. This Act takes effect September 1, 2025.