

BILL ANALYSIS

Senate Research Center

S.B. 1715
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Jurisprudence
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AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current law allows a judge to suspend commitment and place a respondent on community supervision when found in contempt of court for failure or refusal to obey an order rendered by the court, including an order for payment of child support.

However, although the court may order jail time for a delinquent obligor, some courts do not order commitment no matter how often the obligor has been found in contempt for failure to pay child support. Last year, over three-quarters of a billion dollars in obligated child support payments went unpaid due to individuals such as these. These same respondents who have spent years avoiding child support payments may be placed on community supervision, which is seldom a powerful deterrent for respondents who continually refuse to pay child support.

As proposed, S.B. 1715 toughens the penalty for repeated refusals to pay child support by providing that the court may suspend commitment and place repeatedly delinquent obligors on community supervision only after confinement in jail for at least forty consecutive hours.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 157.164, Family Code, as follows:

Sec. 157.165. [sic] PROBATION OF CONTEMPT ORDER. (a) Creates this subsection from existing text. Provides an exception to this subsection as provided by Subsection (b).

(b) Authorizes the court, if the court finds that the respondent is in contempt of court for failure or refusal to pay child support under an order rendered under this title and that the respondent has previously been found in contempt of court for failure to pay child support under an order rendered under this title, to order suspension of commitment of the respondent and place the respondent on community supervision only if the respondent has been confined in jail for at least 40 consecutive hours.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.