

By: Fletcher

H.B. No. 228

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of criminal nonsupport.

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

4 SECTION 1. Section 25.05, Penal Code, is amended by
5 amending Subsection (a) and adding Subsection (a-1) to read as
6 follows:

7 (a) An individual commits an offense if the individual
8 intentionally or knowingly fails to provide support for:

9 (1) the individual's child younger than 18 years of
10 age; ~~or~~ or

11 (2) ~~for~~ the individual's child who is the subject of
12 a court order requiring the individual to support the child.

13 (a-1) For purposes of Subsection (a)(2), an individual
14 knowingly fails to provide support for the individual's child if
15 the individual:

16 (1) knows or should have known that the individual or
17 entity that is designated in the court order to initially receive a
18 child support payment from the individual did not receive the
19 payment on or before the fifth day after the due date for that
20 payment as specified by the court order; or

21 (2) for a failure to provide support for the
22 individual's child, is held in contempt by a court with continuing,
23 exclusive jurisdiction over the child and subsequently continues
24 the child support payment practices that resulted in the individual

1 being held in contempt.

2 SECTION 2. The change in law made by this Act applies only
3 to an offense committed on or after the effective date of this Act.
4 An offense committed before the effective date of this Act is
5 governed by the law in effect when the offense was committed, and
6 the former law is continued in effect for that purpose. For
7 purposes of this section, an offense was committed before the
8 effective date of this Act if any element of the offense occurred
9 before that date.

10 SECTION 3. This Act takes effect September 1, 2011.