S T A T E O F N E W Y O R K

4640

2009-2010 Regular Sessions

I N A S S E M B L Y

February 5, 2009

Introduced by M. of A. CROUCH -- Multi-Sponsored by -- M. of A. FINCH, OAKS, RAIA, TOWNSEND -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, in relation to instituting mandatory jail time if a person is found to have been in willful violation of a support order at least three times

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 3 of section 454 of the family court act, as amended by chapter 892 of the laws of 1986, is amended to read as follows:

(a) commit the respondent to jail for a term not to exceed six months. For purposes of this subdivision, failure to pay support, as ordered, shall constitute prima facie evidence of a willful violation. Such commitment may be served upon certain specified days or parts of days as the court may direct, and the court may, at any time within the term of such sentence, revoke such suspension and commit the respondent for the remainder of the original sentence, or suspend the remainder of such sentence. Such commitment does not prevent the court from subsequently committing the respondent for failure thereafter to comply with any such order. A MINIMUM OF SIXTY DAYS JAIL TIME SHALL BE MANDATORY IF THE VIOLATOR HAS BEEN FOUND TO BE IN WILLFUL VIOLATION BY THE COURT ON AT LEAST THREE OCCASIONS. EVERY TIME THEREAFTER THAT THE COURT FINDS THE VIOLATOR TO BE IN WILLFUL VIOLATION HE OR SHE SHALL BE SENTENCED TO A MINIMUM OF SIXTY DAYS JAIL TIME; or

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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