

HOUSE BILL 397

D4, E1
HB 423/11 – JUD

2lr1955

By: **Delegate Dumais**

Introduced and read first time: February 1, 2012

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Child Support – Criminal Nonsupport and Desertion**

3 FOR the purpose of specifying that a parent who fails to provide for the support of his
4 or her minor child is guilty of the misdemeanor of criminal nonsupport;
5 repealing from the crime of criminal nonsupport the element of willfulness;
6 establishing a certain defense to the crime of criminal nonsupport; specifying
7 that a parent who deserts his or her minor child is guilty of the crime of
8 criminal desertion of a child; and generally relating to criminal nonsupport and
9 desertion.

10 BY repealing and reenacting, with amendments,
11 Article – Family Law
12 Section 10–203
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2011 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Family Law**

18 10–203.

19 (a) **(1)** A parent may not [willfully] fail to provide for the support of his or
20 her minor child.

21 **(2)** IN A PROSECUTION FOR A VIOLATION OF THIS SUBSECTION, IT
22 IS A DEFENSE THAT THE PARENT WAS INCAPABLE OF PROVIDING SUPPORT AT
23 THE TIME SUPPORT WAS DUE OR THAT THE PARENT PROVIDED ALL OF THE
24 SUPPORT THAT THE PARENT WAS CAPABLE OF PROVIDING.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) A PARENT WHO VIOLATES THIS SUBSECTION IS GUILTY OF**
2 **THE MISDEMEANOR OF CRIMINAL NONSUPPORT AND ON CONVICTION IS**
3 **SUBJECT TO A FINE NOT EXCEEDING \$100 OR IMPRISONMENT NOT EXCEEDING 3**
4 **YEARS OR BOTH.**

5 (b) **(1)** A parent may not desert his or her minor child.

6 **[(c) (2) [An individual] A PARENT** who violates this **[section]**
7 **SUBSECTION** is guilty of **[a] THE** misdemeanor **OF CRIMINAL DESERTION OF A**
8 **CHILD** and on conviction is subject to a fine not exceeding \$100 or imprisonment not
9 exceeding 3 years or both.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2012.