

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995

A Bill

SENATE BILL 192

4 By: Senators Walters and Brown

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE ANN. § 5-26-401 TO PROVIDE
9 MANDATORY JAIL TERMS FOR PERSONS WHO PLEAD GUILTY, NOLO
10 CONTENDERE, OR ARE FOUND GUILTY OF CRIMINAL NONSUPPORT;
11 AND FOR OTHER PURPOSES."

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Subtitle

14 "TO AMEND A.C.A. § 5-26-401 TO PROVIDE
15 MANDATORY JAIL TERMS FOR CRIMINAL
16 NONSUPPORT."

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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. Arkansas Code Annotated § 5-26-401 is hereby amended to
21 read as follows:

22 "5-26-401. Nonsupport.

23 (a) A person commits the offense of nonsupport if, without just cause,
24 he fails to provide support to:

25 (1) His spouse who is physically or mentally infirm, or
26 financially dependent; or

27 (2) His legitimate child who is less than eighteen (18) years
28 old; or

29 (3) His illegitimate child who is less than eighteen (18) years
30 old and whose parentage has been determined in a previous judicial
31 proceeding; or

32 (4) His dependent child who is physically or mentally infirm.

33 (b) Nonsupport is a Class A misdemeanor, and any person who pleads
34 guilty, nolo contendere, or is found guilty shall be imprisoned for no less
35 than ten (10) days. If the court finds that the person had the ability to

1 pay and did not, the court shall not suspend imposition of sentence as to the
2 term of imprisonment.

3 (c) Nonsupport is a Class D felony if:

4 (1) The person leaves or remains without the State of Arkansas
5 with purpose to avoid a legal duty to provide support to another person; or

6 (2) The person has previously pleaded guilty, nolo contendere,
7 or been convicted of nonsupport.

8 (d) The court may direct that a fine imposed upon conviction of
9 nonsupport or a bond forfeited in connection with a prosecution for
10 nonsupport be paid for the support and maintenance of the person entitled to
11 support.

12 (e) The municipal courts located in a county having a population in
13 excess of two hundred thousand (200,000) inhabitants shall cause a warrant of
14 arrest to be issued upon affidavits of a spouse or any person who is
15 responsible for maintenance of dependent children which states that
16 nonsupport has taken place.

17 (f) Any person who pleads guilty, nolo contendere, or is found guilty
18 of nonsupport shall also be responsible for the court costs and
19 administrative costs incurred by the court.

20 (g) The state may take judgment against any defendant convicted of
21 nonsupport for all moneys expended by any state agency for the support and
22 maintenance of the person with respect to whom the defendant had a duty to
23 support."

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25 SECTION 2. All provisions of this act of a general and permanent
26 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
27 Code Revision Commission shall incorporate the same in the Code.

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29 SECTION 3. If any provision of this act or the application thereof to
30 any person or circumstance is held invalid, such invalidity shall not affect
31 other provisions or applications of the act which can be given effect without
32 the invalid provision or application, and to this end the provisions of this
33 act are declared to be severable.

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35 SECTION 4. All laws and parts of laws in conflict with this act are

1 hereby repealed.

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