

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 394

(Senator Carter)

Judicial Proceedings

Family Law - Nonpayment of Child Support - Sentencing

This bill requires that any sentence imposed due to an individual's willful failure to provide support for a minor child must be served concurrently with any other sentence imposed against the individual for the same offense.

Fiscal Summary

State Effect: The bill does not materially affect State incarceration costs. Revenues are not affected.

Local Effect: The bill does not materially affect local incarceration costs. Revenues are not affected.

Small Business Effect: None.

Analysis

Current Law: A parent may not willfully fail to provide for the support of his or her minor child. A violator is guilty of a misdemeanor and subject to a maximum penalty of a \$100 fine and/or three years imprisonment. Instead of, or in addition to, imposing the criminal penalty, the court may also (1) order the individual to pay child support periodically, as specified, or order the individual to make payments as provided in an existing agreement and (2) place the individual on probation on the individual's entering into a recognizance. The court must consider the financial circumstances of the accused individual in imposing such an order and may modify the order as circumstances require.

Additional Information

Prior Introductions: HB 148 of 2020 received a hearing in the House Judiciary Committee, but no further action was taken.

Designated Cross File: HB 343 (Delegate Henson, *et al.*) - Judiciary.

Information Source(s): Anne Arundel, Baltimore, Charles, Frederick, and Montgomery counties; Maryland State Commission on Criminal Sentencing Policy; Judiciary (Administrative Office of the Courts); Office of the Public Defender; Maryland State's Attorneys' Association; Department of Legislative Services

Fiscal Note History: First Reader - January 27, 2021
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