

1 AN ACT relating to nonsupport.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 530.050 is amended to read as follows:

4 (1) A person is guilty of nonsupport:

5 (a) When he or she persistently fails to provide support which he or she can  
6 reasonably provide and which he or she knows he or she has a duty to provide  
7 to a minor or to a child adjudged mentally disabled, indigent spouse or  
8 indigent parent; or

9 (b) Upon a finding that a defendant obligor, subject to court order to pay any  
10 amount for the support of a minor child, is delinquent in meeting the full  
11 obligation established by such order and has been so delinquent for a period of  
12 at least two (2) months duration.

13 (2) A person is guilty of flagrant nonsupport when he or she persistently fails to  
14 provide support which he or she can reasonably provide and which he or she knows  
15 he or she has a duty to provide by virtue of a court or administrative order to a  
16 minor or to a child adjudged mentally disabled, indigent spouse or indigent parent  
17 and the failure results in:

18 (a) An arrearage of not less than one thousand dollars (\$1,000); or

19 (b) Six (6) consecutive months without payment of support; or

20 (c) The dependent having been placed in destitute circumstances. For the  
21 purposes of this paragraph, it shall be prima facie evidence that a dependent  
22 has been placed in destitute circumstances if the dependent is a recipient of  
23 public assistance as defined in KRS 205.010.

24 (3) A person has a duty to provide support for an indigent spouse, a minor child or  
25 children, or a child or children adjudged mentally disabled and, for purposes of this  
26 section, is presumed to know of that duty.

27 (4) Any person who is eighteen (18) years of age or over, residing in this state and

1           having in this state a parent who is destitute of means of subsistence and unable  
2           because of old age, infirmity, or illness to support himself or herself, has a duty to  
3           provide support for such parent and, for purposes of this section, is presumed to  
4           know of that duty.

5       (5) Nonsupport is a Class A misdemeanor. For a second offense, the person shall  
6           receive a minimum sentence of seven (7) days in jail. For a third or any subsequent  
7           offense, the person shall receive a minimum sentence of thirty (30) days in jail.

8       (6) Flagrant nonsupport is a Class D felony.

9       **(7) Notwithstanding any other provision of law to the contrary, a person incarcerated**  
10       **upon conviction for a violation of this section shall be granted work release. After**  
11       **paying any work release fees required by law, remaining wages of the person**  
12       **shall be paid toward the person's outstanding support obligation, if any. This**  
13       **subsection shall not apply to a person who:**

14       **(a) Is not eligible for work release pursuant to KRS 197.140;**

15       **(b) Has a maximum or close security classification as defined by administrative**  
16       **regulations promulgated by the Department of Corrections;**

17       **(c) Is subject to the provisions of KRS 532.043; or**

18       **(d) Is in a reentry center as defined in KRS 441.005.**