

HOUSE _____ **AMENDMENT NO.** _____**Offered By**

AMEND House Committee Substitute for House Bill No. 1994, Section 313.805, Page 3, Line 89 by inserting after all of said line the following:

“313.819. 1. No person who has been found guilty of or has pled guilty to the crime of nonsupport of a spouse or child under section 568.040 shall be admitted on an excursion gambling boat or in a casino in this state until such time as the person has satisfied all arrearages due.

2. The family support division within the department of social services shall provide a list to every excursion gambling boat or casino in this state containing the names of all persons known to the division who are barred from admittance on an excursion gambling boat or casino under subsection 1 of this section. Such list shall be updated by the division on at least a monthly basis and may be provided in an electronic format.

3. The restriction on admittance to excursion gambling boats and casinos in this state contained in this section is intended to operate as a remedial measure only for the sole purpose of protecting the financial support of the spouse and children in this state.

4. Any excursion gambling boat or casino that knowingly permits a person barred from admittance under subsection 1 of this section to gamble on such boat or in such casino shall be subject to a fine of one thousand dollars.

5. Any person who has been barred from admission on an excursion gambling boat under the provisions of this section who then satisfies in full all arrearages may petition the court in the county where he or she was found guilty of or pled guilty to the crime of nonsupport of a spouse or child under section 568.040 to have the court order the family support division within the department of social services to remove such person's name from the list of those who are barred from admittance and further order the family support division to notify all excursion gambling boats and casinos in this state to remove such person's name from their list of persons who are barred. The court shall grant such petition and enter such orders upon proof by the petitioner that all arrearages have been satisfied in full. If the court finds that all arrearages have not been satisfied in full the petition shall be denied.

6. If a person barred from admittance under subsection 1 of this section is admitted to the excursion gambling boat or casino and subsequently wins something of value, the excursion gambling boat or casino shall be prohibited from awarding such a person with his or her winnings or prizes and shall instead remit the full value of such winnings or prizes to the child support enforcement service of the family support division of the department of social services within fifteen calendar days. The amount of such winnings or prizes shall be awarded to the spouse or child to whom the support payment is due by the child support enforcement service of the family support division of the department of social services”; and

Further amend said bill, Section 313.830, Page 6, Line 84 by inserting after all of said line the following;

“568.040. 1. A person commits the crime of nonsupport if such person knowingly fails to

1 provide, without good cause, adequate support for his or her spouse; a parent commits the crime
2 of nonsupport if such parent knowingly fails to provide, without good cause, adequate support
3 which such parent is legally obligated to provide for his or her child or stepchild who is not
4 otherwise emancipated by operation of law.

5 2. For purposes of this section:

6 (1) "Child" means any biological or adoptive child, or any child whose paternity has been
7 established under chapter 454, RSMo, or chapter 210, RSMo, or any child whose relationship to
8 the defendant has been determined, by a court of law in a proceeding for dissolution or legal
9 separation, to be that of child to parent;

10 (2) "Good cause" means any substantial reason why the defendant is unable to provide
11 adequate support. Good cause does not exist if the defendant purposely maintains his or her
12 inability to support;

13 (3) "Support" means food, clothing, lodging, and medical or surgical attention;

14 (4) It shall not constitute a failure to provide medical and surgical attention, if nonmedical
15 remedial treatment recognized and permitted under the laws of this state is provided.

16 3. Inability to provide support for good cause shall be an affirmative defense under this
17 section. A person who raises such affirmative defense has the burden of proving the defense by a
18 preponderance of the evidence.

19 4. The defendant shall have the burden of injecting the issues raised by subdivisions (2)
20 and (4) of subsection 2 and subsection 3 of this section.

21 5. Criminal nonsupport is a class A misdemeanor, unless the total arrearage is in excess of
22 an aggregate of twelve monthly payments due under any order of support issued by any court of
23 competent jurisdiction or any authorized administrative agency, in which case it is a class D
24 felony.

25 6. If at any time a defendant convicted of criminal nonsupport is placed on probation or
26 parole, there may be ordered as a condition of probation or parole that the defendant commence
27 payment of current support as well as satisfy the arrearages. Arrearages may be satisfied first by
28 making such lump sum payment as the defendant is capable of paying, if any, as may be shown
29 after examination of defendant's financial resources or assets, both real, personal, and mixed, and
30 second by making periodic payments. Periodic payments toward satisfaction of arrears when
31 added to current payments due may be in such aggregate sums as is not greater than fifty percent
32 of the defendant's adjusted gross income after deduction of payroll taxes, medical insurance that
33 also covers a dependent spouse or children, and any other court or administrative ordered support,
34 only. If the defendant fails to pay the current support and arrearages as ordered, the court may
35 revoke probation or parole and then impose an appropriate sentence within the range for the class
36 of offense that the defendant was convicted of as provided by law, unless the defendant proves
37 good cause for the failure to pay as required under subsection 3 of this section.

38 7. During any period that a nonviolent defendant is incarcerated for criminal nonsupport,
39 if the defendant is ready, willing, and able to be gainfully employed during said period of
40 incarceration, the defendant, if he or she meets the criteria established by the department of
41 corrections, may be placed on work release to allow the defendant to satisfy defendant's obligation
42 to pay support. Arrearages shall be satisfied as outlined in the collection agreement.

43 8. Beginning August 28, 2009, every nonviolent first- and second-time offender then
44 incarcerated for criminal nonsupport, who has not been previously placed on probation or parole
45 for conviction of criminal nonsupport, may be considered for parole, under the conditions set forth
46 in subsection 6 of this section, or work release, under the conditions set forth in subsection 7 of
47 this section.

1 9. [Beginning January 1, 1991,] Every prosecuting attorney in any county which has
2 entered into a cooperative agreement with the [division of] child support enforcement service of
3 the family support division of the department of social services shall report to the division on a
4 quarterly basis the number of charges filed and the number of convictions obtained under this
5 section by the prosecuting attorney's office on all IV-D cases. The division shall consolidate the
6 reported information into a statewide report by county and make the report available to the general
7 public.

8 10. Persons accused of committing the offense of nonsupport of the child shall be
9 prosecuted:

10 (1) In any county in which the child resided during the period of time for which the
11 defendant is charged; or

12 (2) In any county in which the defendant resided during the period of time for which the
13 defendant is charged.

14 11. Any person who has been found guilty of or has pled guilty to criminal nonsupport of
15 a spouse or a child under this section shall be barred from admittance on an excursion gambling
16 boat or casino in this state until all arrearages due are satisfied in accordance with section
17 313.819. The restriction on admittance to excursion gambling boats and casinos in this state
18 contained in this subsection and section 313.819 is intended to operate as a remedial measure only
19 for the sole purpose of protecting the financial support of the spouses and children in this state.

20 12. Any person who has been barred from admission on an excursion gambling boat
21 under the provisions of subsection 11 of this section and in accordance with the provisions of
22 section 313.819 who then satisfies in full all arrearages may petition the court in the county where
23 he or she was found guilty of or pled guilty to the crime of nonsupport of a spouse or child to have
24 the court order the family support division within the department of social services to remove
25 such person's name from the list of those who are barred from admittance and further order the
26 family support division to notify all excursion gambling boats and casinos in this state to remove
27 such person's name from their list of persons who are barred. The court shall grant such petition
28 and enter such orders upon proof by the petitioner that all arrearages have been satisfied in full. If
29 the court finds that all arrearages have not been satisfied in full the petition shall be denied.

30 13. Any person who violates the provisions of subsection 11 of this section is guilty of a
31 class B misdemeanor.”; and

32
33
34 Further amend said bill by amending the title, enacting clause, and intersectional references
35 accordingly.