

HB 195 -- BENTLEY'S LAW

SPONSOR: Henderson

This bill establishes "Bentley's Law", which requires a person convicted of an offense of driving while intoxicated where the death of a parent or parents results to pay child maintenance to the child's or children's surviving parent or legal guardian until the child turns 18 or, if the child is 18 and enrolls in college, until completion of a degree or until the child reaches the age of 21, whichever occurs first. To remain eligible for continued maintenance, the child or children must submit to the court at the beginning of each semester a document provided by the institution of vocational or higher education that includes the courses in which the child or children are enrolled, along with other information specified in the bill. If the child or children fail to produce the required documents, maintenance may terminate and will not be eligible for reinstatement.

The bill specifies how the amount of maintenance to be paid is determined and how the maintenance is to be paid. If the surviving parent or the guardian brings a civil action against the person prior to any maintenance being ordered and the parent or guardian receives a judgment in his or her favor, no maintenance will be ordered. Alternatively, if the court orders maintenance to be paid and the parent or guardian later brings a civil action and obtains a judgment in his or her favor, the amount awarded will be offset by the amount of maintenance ordered.

This bill is similar to HB 1954 (2022).