

JAN 19 2005
HUMAN RESOURCES

HOUSE FILE 76
BY HEATON

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the penalties for a payor who knowingly fails
2 to withhold income or pay amounts withheld under a support
3 order.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 252D.17, subsection 8, Code 2005, is
2 amended to read as follows:

3 8. If the payor knowingly fails to withhold income or to
4 pay the amounts withheld to the collection services center or
5 the clerk of court in accordance with the provisions of the
6 order, the notice of the order, or the notification of payors
7 of income provisions established in section 252B.13A, the
8 payor commits a simple misdemeanor for a first offense and is
9 liable for the accumulated amount which should have been
10 withheld, together with costs, interest, and reasonable
11 attorney fees related to the collection of the amounts due
12 from the payor. For each subsequent offense prescribed under
13 this subsection, the payor commits a serious misdemeanor and
14 is liable for the accumulated amount which should have been
15 withheld, together with costs, interest, and reasonable
16 attorney fees related to the collection of the amounts due
17 from the payor.

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EXPLANATION

19 This bill provides that a payor of income who knowingly
20 fails to withhold income or to pay the amounts withheld to the
21 collection services center or the clerk of court in accordance
22 with the provisions of the order, or the notification of
23 payors of income provisions, commits a simple misdemeanor for
24 a first offense and for any subsequent offense the payor
25 commits a serious misdemeanor. In addition to the criminal
26 penalty, the payor of income is liable for the accumulated
27 amount which should have been withheld, together with costs,
28 interest, and reasonable attorney fees related to the
29 collection of the amounts due from the payor.

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