

**SENATE BILL NO. 2277**

Introduced by

Senator Wardner

Representative Lefor

1 A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota  
2 Century Code, relating to child support obligations of incarcerated parents.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 14-09 of the North Dakota Century Code is created  
5 and enacted as follows:

6 **Child support obligation of incarcerated parents.**

- 7 1. A monthly support obligation established under any provision of this code and in effect  
8 after December 31, 2017, expires by operation of law upon incarceration of the obligor  
9 under a sentence of one hundred eighty days or longer, excluding credit for time  
10 served before sentencing.
- 11 2. Notwithstanding subsection 1, a monthly support obligation may be established for an  
12 obligor who is incarcerated under a sentence of one hundred eighty days or longer if  
13 the obligation is based on actual income of the obligor and the moving party makes a  
14 prima facie showing that the obligor's income exceeds the minimum amount provided  
15 in the guidelines established under section 14-09-09.7.
- 16 3. As used in this section, "incarceration" means placement of an obligor in a custodial  
17 setting in which the obligor is not permitted to earn wages from employment outside  
18 the correctional facility, and does not include probation or work release.
- 19 4. The expiration of a monthly support obligation under subsection 1 does not affect any  
20 past-due support that is owed before the expiration of the obligation.