AN ACT to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to child support obligations of incarcerated parents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Child support obligation of incarcerated parents.

1. A monthly support obligation established under any provision of this code and in effect after December 31, 2017, expires by operation of law upon incarceration of the obligor under a sentence of one hundred eighty days or longer, excluding credit for time served before sentencing.

2. Notwithstanding subsection 1, a monthly support obligation may be established for an obligor who is incarcerated under a sentence of one hundred eighty days or longer if the obligation is based on actual income of the obligor and the moving party makes a prima facie showing that the obligor's income exceeds the minimum amount provided in the guidelines established under section 14-09-09.7.

3. As used in this section, "incarceration" means placement of an obligor in a custodial setting in which the obligor is not permitted to earn wages from employment outside the correctional facility, and does not include probation or work release.

4. The expiration of a monthly support obligation under subsection 1 does not affect any past-due support that is owed before the expiration of the obligation.
This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2277.

Senate Vote: Yeas 45  Nays 0  Absent 2
House Vote: Yeas 53  Nays 39  Absent 2

Secretary of the Senate

Received by the Governor at ________M. on _____________________________________, 2017.
Approved at ________ M. on __________________________________________________, 2017.

Governor

Filed in this office this ___________day of _______________________________________, 2017, at _______ o’clock ________M.

Secretary of State