

SB 1564

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THE STATE SENATE
Thursday, February 14, 2002

Senate Bill No. 1564

SENATE BILL NO. 1564 - By: WILLIAMSON of the Senate and VAUGHN of the House.

An Act relating to crimes and punishments; amending 12 O.S. 2001, Section 566; which relates to punishment for contempt; expanding certain powers of specific courts; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2001, Section 566, is amended to read as follows:

Section 566. A. Unless otherwise provided for by law, punishment for direct or indirect contempt shall be by the imposition of a fine in a sum not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail not exceeding six (6) months, or by both, at the discretion of the court.

B. 1. In the case of indirect contempt for the failure to comply with an order for child support, other support, visitation, or other court orders regarding minor children the Supreme Court shall promulgate guidelines for determination of the sentence and purge fee. If the court fails to follow said guidelines, the court shall make a specific finding stating the reasons why the imposition of the guidelines would result in inequity. The factors that shall be used in determining the sentence and purge fee are:

- 1 a. The proportion of the child support or other support
2 that was unpaid in relation to the amount of support
3 that was ordered paid;
- 4 b. The proportion of the child support or other support
5 that could have been paid by the party found in
6 contempt in relation to the amount of support that was
7 ordered paid;
- 8 c. The present capacity of the party found in contempt to
9 pay any arrearages;
- 10 d. Any willful actions taken by the party found in
11 contempt to reduce factor c;
- 12 e. The past history of compliance or noncompliance with
13 the support or visitation order; and
- 14 f. Willful acts to avoid the jurisdiction of the court.

15 2. When a court of competent jurisdiction makes an order
16 compelling a parent to furnish monetary support, necessary food,
17 clothing, shelter, medical attention, medical insurance or other
18 remedial care for the minor child of the parent:

- 19 a. proof that:
- 20 (1) the order was made, filed, and served on the
21 parent, or
- 22 (2) the parent had actual knowledge of the existence
23 of the order, or

1 (3) the order was granted by default after prior due
2 process notice to the parent, or

3 (4) the parent was present in court at the time the
4 order was pronounced; and

5 b. proof of noncompliance with the order,
6 shall be prima facie evidence of an indirect civil contempt of
7 court.

8 C. Any court in this state of competent jurisdiction where
9 venue is proper for collection of child support through income
10 assignment has the power to enforce an order for child support,
11 other support, visitation, or other court orders regarding minor
12 children of any other court in this state of competent jurisdiction
13 and to punish an individual for failure to comply therewith, as set
14 forth in subsection A of this section.

15 SECTION 2. This act shall become effective November 1, 2002.

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-12-02 - DO
17 PASS, As Coauthored.