

---

---

# A BILL FOR AN ACT

RELATING TO PERSISTENT NONSUPPORT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 709, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§709- Persistent nonsupport in the first degree. (1)

5 A person commits the offense of persistent nonsupport in the  
6 first degree if:

7           (a) The person knowingly and persistently fails to provide  
8 support in which the person is legally obliged to  
9 provide to a spouse, child, or other dependent for  
10 five years or longer; or

11           (b) The person is knowingly \$30,000 or more in arrears of  
12 support in which the person is legally obliged to  
13 provide to a spouse, child, or other dependent.

14           (2) For the purposes of this section, "support" includes  
15 but is not limited to food, shelter, clothing, education, and  
16 other necessary care as determined by law.



1        (3) Persistent nonsupport in the first degree is a class C  
2 felony."

3        SECTION 2. Section 571-14, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5        "(a) Except as provided in sections 603-21.5 and 604-8,  
6 the court shall have exclusive original jurisdiction:

7        (1) To try any offense committed against a child by the  
8 child's parent or guardian or by any other person  
9 having the child's legal or physical custody, and any  
10 violation of section 707-726, 707-727, 709-902,  
11 709-903, 709-903.5, 709-904, 709-905, 709-906, 709-\_\_\_,  
12 or 302A-1135, whether or not included in other  
13 provisions of this paragraph or paragraph (2);

14        (2) To try any adult charged with:  
15        (A) Deserting, abandoning, or failing to provide  
16 support for any person in violation of law;  
17        (B) An offense, other than a felony, against the  
18 person of the defendant's husband or wife;  
19        (C) Any violation of an order issued pursuant to  
20 chapter 586; or



1 (D) Any violation of an order issued by a family  
2 court judge.

3 In any case within paragraph (1) or (2), the court, in its  
4 discretion, may waive its jurisdiction over the offense  
5 charged;

6 (3) In all proceedings under chapter 580, and in all  
7 proceedings under chapter 584;

8 (4) In proceedings under chapter 575, the Uniform  
9 Desertion and Nonsupport Act, and under chapter 576B,  
10 the Uniform Interstate Family Support Act;

11 (5) For commitment of an adult alleged to be mentally  
12 defective or mentally ill;

13 (6) In all proceedings for support between parent and  
14 child or between husband and wife;

15 (7) In all proceedings for pre-trial detention or waiver  
16 of jurisdiction over an adult who was a child at the  
17 time of an alleged criminal act as provided in section  
18 571-13 or 571-22;

19 (8) In all proceedings under chapter 586, Domestic Abuse  
20 Protective Orders; and



1 (9) For the protection of vulnerable adults under chapter  
2 346, part X.

3 In any case within paragraph (3), (4), or (6), the attorney  
4 general, through the child support enforcement agency, may  
5 exercise concurrent jurisdiction as provided in chapter  
6 576E."

7 SECTION 3. Section 577-9, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 **"§577-9 Jury trial, when.** In trials of any person over  
10 the age of majority arising under sections 709-902, 709-903,  
11 709-904, [~~and~~] 709-905, and 709- , the person proceeded against  
12 shall have the right to a trial by jury which shall be granted  
13 as in other cases, unless waived. If the finding of the jury is  
14 against the person tried their verdict shall so state, in which  
15 event the court, in its discretion, may enter such judgment as  
16 it deems proper in the premises."

17 SECTION 4. Section 577-10, Hawaii Revised Statutes, is  
18 amended to read as follows:

19 **"§577-10 Court having jurisdiction.** The family courts  
20 shall have exclusive jurisdiction of all cases coming within  
21 sections 709-902, 709-903, 709-904, [~~and~~] 709-905[+] and 709-  ;



1 provided that upon complaint made to any prosecuting officer of  
2 the commission of any offense coming within sections 709-902,  
3 709-903, 709-904, [~~and~~] 709-905, and 709- , the district judge  
4 within whose circuit the offense is alleged to have been  
5 committed may issue the judge's warrant for the arrest of the  
6 person accused of such offense, and commit the accused to the  
7 family court for the required proceedings."

8 SECTION 5. Section 709-903, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§709-903 Persistent nonsupport [~~-~~] in the second degree.

11 (1) A person commits the offense of persistent nonsupport in  
12 the second degree if the person knowingly and persistently fails  
13 to provide support which the person can provide and which the  
14 person knows the person is legally obliged to provide to a  
15 spouse, child, or other dependent.

16 (2) [~~"Support"~~] For the purposes of this section,  
17 "support" includes but is not limited to food, shelter,  
18 clothing, education, and other necessary care as determined by  
19 law.

20 (3) Persistent nonsupport in the second degree is a  
21 misdemeanor."



1           SECTION 6. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4           SECTION 7. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 8. This Act shall take effect upon its approval.



**Report Title:**

Persistent Nonsupport; Spouse; Child; Felony

**Description:**

Establishes the felony offense of persistent nonsupport in the first degree when a person knowingly and persistently fails to provide support to a child, spouse, or other dependent to whom the person has a legal obligation of support for five years or longer, or is \$30,000 or more in arrears. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

