

2020 Regular Session

HOUSE BILL NO. 133

BY REPRESENTATIVE MIKE JOHNSON

FAMILY LAW: Provides relative to child and spousal support payments when a defendant has been found in contempt for disobeying an order for payment

1 AN ACT

2 To amend and reenact R.S. 13:4611(1)(a), (c), and (d)(ii) and (3) and to enact R.S.
3 13:4611(1)(d)(iii), relative to punishment for contempt of court; to provide relative
4 to court orders for the payment of child or spousal support; to provide for additional
5 penalties for disobeying certain court orders; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:4611(1)(a), (c), and (d)(ii) and (3) are hereby amended and
8 reenacted and R.S. 13:4611(1)(d)(iii) is hereby enacted to read as follows:

9 §4611. Punishment for contempt of court

10 Except as otherwise provided for by law:

11 (1) The supreme court, the courts of appeal, the district courts, family courts,
12 juvenile courts and the city courts may punish a person adjudged guilty of a
13 contempt of court therein, as follows:

14 (a) For a direct contempt of court committed by an attorney at law, by a fine
15 of not more than one hundred dollars, or by imprisonment for not more than twenty-
16 four hours, or both; and, for any subsequent contempt of the same court by the same
17 offender, by a fine of not more than two hundred dollars, or by imprisonment for not
18 more than ten days, or both;

19 * * *

1 (c) For a deliberate refusal to perform an act which is yet within the power
2 of the offender to perform, by imprisonment until he performs the act;~~and,~~

3 (d)

4 * * *

5 (ii) In addition to or in lieu of the penalties provided by this Paragraph, when
6 the defendant has been found in contempt for disobeying an order for the payment
7 of child support or spousal support, the court may order that the person make regular
8 payments or periodic lump sum payments to satisfy any outstanding debt which
9 accrued due to the defendant's contempt. Any order of payment shall be in addition
10 to, and not a substitution for, any other rights or remedies to collect payment which
11 are available to the obligee.

12 (iii) In addition to or in lieu of the penalties provided by this Paragraph, the
13 court may order that the person perform litter abatement work or community service
14 in a court-approved program for each day he was to be imprisoned, provided that the
15 total days of jail, litter abatement work, and community service do not exceed the
16 maximum sentence provided by this Paragraph.

17 * * *

18 (3) The court or justice of the peace, when applicable, may suspend the
19 imposition or the execution of the whole or any part of the sentence imposed and
20 place the defendant on unsupervised probation or probation supervised by a
21 probation office, agency, or officer designated by the court or justice of the peace,
22 other than the division of probation and parole of the Department of Public Safety
23 and Corrections. When the court or justice of the peace places a defendant on
24 probation, the court or the justice of the peace may impose any specific conditions
25 reasonably related to the defendant's rehabilitation, including but not limited to the
26 conditions of probation as set forth in Code of Criminal Procedure Article 895, as
27 well as a requirement that the defendant make regular payments or periodic lump
28 sum payments to satisfy any outstanding debt which accrued due to the defendant's
29 contempt. Any order of payment shall be in addition to, and not a substitution for,

1 any other rights or remedies to collect payment which are available to the obligee.

2 A term of probation shall not exceed the length of time a defendant may be
3 imprisoned for the contempt, except in the case of contempt for disobeying an order
4 for the payment of child support or spousal support or an order for the right of
5 custody or visitation, when the term of probation may extend for a period of up to
6 two years.

7 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
8 redesignate R.S. 13:4611(1)(d)(iii), as enacted by Act No. 264 of the 2017 Regular Session
9 of the Legislature, as R.S. 13:4611(1)(d)(iv) when that provision becomes effective on
10 August 1, 2020, pursuant to Act No. 277 of the 2019 Regular Session of the Legislature.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 133 Original

2020 Regular Session

Mike Johnson

Abstract: Authorizes the court to order a defendant to make regular or periodic lump sum payments when the defendant is found in contempt for violating an order for the payment of child or spousal support.

Present law authorizes courts to punish a person adjudged guilty of any contempt of court, including disobeying an order of payment of child support or spousal support or an order for the right of custody or visitation by a fine of not more than \$500 or imprisonment for not more than three months, or both.

Present law authorizes the court to order that the person perform litter abatement work or community service in a court-approved program for each day he was to be imprisoned, in addition to or in lieu of the penalties provided by present law, and further authorizes suspension or execution of the sentence.

Proposed law retains present law and authorizes the court to order regular or periodic lump sum payments to satisfy any outstanding debt which accrued due to the defendant's contempt.

(Amends R.S. 13:4611(1)(a), (c), and (d)(ii) and (3); Adds R.S. 13:4611(1)(d)(iii))