

**CS FOR HOUSE BILL NO. 362(HES)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**EIGHTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE**

**Offered: 3/28/94**

**Referred: Judiciary**

**Sponsor(s): REPRESENTATIVES MARTIN, B.Davis**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the statute of limitations for actions brought upon a child  
2 support judgment; and establishing the crime of aiding the nonpayment of child  
3 support."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 \* Section 1. AS 09.10.040 is amended to read:

6           Sec. 09.10.040. ACTION UPON JUDGMENT OR SEALED INSTRUMENT  
7           IN 10 YEARS. Except as provided in (b) of this section. a [NO] person may not  
8           bring an action upon a judgment or decree of a court of the United States, or of a state  
9           or territory within the United States, and an [NO] action may not be brought upon a  
10           sealed instrument, unless the action is commenced within 10 years.

11 \* Sec. 2. AS 09.10.040 is amended by adding a new subsection to read:

12           (b) An action may be brought to establish a judgment for child support  
13           payments that are 30 or more days past due under a support order, as defined in  
14           AS 25.27.900, if the action is commenced by the date on which the youngest child

1 covered by the support order becomes 21 years of age. An action after the  
2 establishment of the judgment is governed by (a) of this section.

3 \* **Sec. 3.** AS 11.51 is amended by adding a new section to read:

4 **Sec. 11.51.122. AIDING THE NONPAYMENT OF CHILD SUPPORT. (a)**

5 A person commits the crime of aiding the nonpayment of child support if the person

6 (1) knows that a person has a duty under an administrative or judicial  
7 order for payment of child support; and

8 (2) intentionally

9 (A) withholds information about the residence or employment  
10 of the person who owes child support when that information is requested by a  
11 child support enforcement agency; or

12 (B) participates in a commercial, business, or employment  
13 arrangement with the person who owes support, knowing at the time that the  
14 arrangement is made that it will allow the person who owes support to avoid  
15 paying all or some of the support when it is due or to avoid having a lien  
16 placed on assets for the payment of delinquent support; receipt of a substantial  
17 asset for less than fair market value from a person who owes support after the  
18 person's support order has been established constitutes a rebuttable presumption  
19 that the person receiving the asset knew that the transfer would allow the  
20 person who owes support to avoid paying all or some of the support or to  
21 avoid having a lien placed on the asset.

22 (b) This section does not prohibit an arrangement entered into with an attorney  
23 for the purpose of paying the attorney who represents the child support obligor in  
24 proceedings to contest or modify a child support order.

25 (c) Aiding the nonpayment of child support is a

26 (1) class B misdemeanor if the amount of child support past due by  
27 more than 30 days is less than \$1,000;

28 (2) class A misdemeanor if the amount of child support past due by  
29 more than 30 days is at least \$1,000 but less than \$5,000;

30 (3) a class C felony if the amount of child support past due by more  
31 than 30 days is \$5,000 or more.