

SENATE CS FOR CS FOR HOUSE BILL NO. 362(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/2/94

Referred: Rules

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

1 AS 25.27.900, if the action is commenced by the date on which the youngest child  
2 covered by the support order becomes 21 years of age. An action after the  
3 establishment of the judgment is governed by (a) of this section.

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

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

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

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

9 (2) intentionally

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

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

22 (b) In a prosecution under (a)(2)(B) of this section, it is not a defense that the

23 (1) defendant did not intend to assist the obligor in the nonpayment of  
24 child support; or

25 (2) obligor did not intend to avoid paying child support.

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

29 (d) Aiding the nonpayment of child support is a class A misdemeanor.