

76-7-202 Orders for support in criminal nonsupport proceedings.

- (1) In any proceeding under Section 76-7-201, the court may, instead of imposing the punishments otherwise prescribed, issue an order directing the defendant to periodically pay a sum to the Office of Recovery Services, or otherwise as the court may direct, to be used for the support of the dependents who are the subject of the proceeding under Section 76-7-201.
- (2) The order to periodically pay a sum for the support of the dependents:
 - (a) may be issued with the consent of the defendant prior to trial, or after conviction, having regard to the circumstances, financial ability, and earning capacity of the defendant;
 - (b) shall be subject to change from time to time as circumstances may require;
 - (c) may not require payments for a period exceeding the term of probation provided for the offense with which the defendant is charged, or of which he is found guilty; and
 - (d) shall be conditioned upon the defendant either entering a recognizance in accordance with Subsection (3), or providing security in a sum as the court directs.
- (3) The condition of recognizance shall require the defendant to:
 - (a) make personal appearance in court whenever ordered to do so within the period of probation; and
 - (b) comply with the terms of the order and any subsequent modifications of the order.
- (4) If the court is satisfied by information and due proof under oath that at any time during the period of probation the defendant has violated the terms of the order, it may proceed with the trial of defendant under the original charge or sentence him under the original conviction or enforce the original sentence as the case may be. In the case of forfeiture of bail or bond in any proceeding under Section 76-7-201, the sum recovered may, in the discretion of the court, be paid in whole or in part to the Office of Recovery Services, or otherwise as the court may direct, to be used for the support of the dependents involved.

Amended by Chapter 289, 1995 General Session