

**FISHING AND HUNTING RESTRICTIONS FOR
NONPAYMENT OF CHILD SUPPORT**

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karianne Lisonbee

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill addresses a license, permit, or tag related to fishing and hunting.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ prohibits the issuance of a license, permit, or tag related to fishing or hunting if an individual is delinquent in child support;
- ▶ provides when a license, permit, or tag may be issued after delinquency;
- ▶ addresses responsibilities of the Division of Wildlife Resources and Office of Recovery Services;
- ▶ requires automation; and
- ▶ provides scope of the provision.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

23-19-5.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

30 Section 1. Section 23-19-5.5 is enacted to read:

31 **23-19-5.5. Issuance of license, permit, or tag prohibited for failure to pay child**
32 **support.**

33 (1) As used in this section:

34 (a) "Child support" means the same as that term is defined in Section 62A-11-401.

35 (b) "Delinquent on a child support obligation" means that:

36 (i) an individual owes at least \$2,500 on an arrearage obligation of child support based
37 on an administrative or judicial order;

38 (ii) the individual has not obtained a judicial order staying enforcement of the
39 individual's obligation on the amount in arrears; and

40 (iii) the office has obtained a statutory judgment lien pursuant to Section
41 62A-11-312.5.

42 (c) "Office" means the Office of Recovery Services created in Section 62A-11-102.

43 (d) "Wildlife license agent" means a person authorized under Section 23-19-15 to sell a
44 license, permit, or tag in accordance with this chapter.

45 (2) (a) An individual who is delinquent on a child support obligation may not apply for,
46 obtain, or attempt to obtain a license, permit, or tag required under this title, by rule made by
47 the Wildlife Board under this title, or by an order or proclamation issued in accordance with a
48 rule made by the Wildlife Board under this title.

49 (b) (i) An individual who applies for, obtains, or attempts to obtain a license, permit, or
50 tag in violation of Subsection (2)(a) violates Section 23-19-5.

51 (ii) A license, permit, or tag obtained in violation of Subsection (2)(a) is invalid.

52 (iii) An individual who takes protected wildlife with an invalid license, permit, or tag
53 violates Section 23-20-3.

54 (3) (a) The license, permit, and tag restrictions in Subsection (2)(a) remain effective
55 until the office notifies the division that the individual who is delinquent on a child support
56 obligation has:

57 (i) paid the delinquency in full; or

58 (ii) complied for at least 12 consecutive months with a payment schedule entered into
59 with the office.

60 (b) A payment schedule under Subsection (3)(a) shall provide that the individual:

61 (i) pay the current child support obligation in full each month; and

62 (ii) pays an additional amount as assessed by the office pursuant to Section
63 62A-11-320 towards the child support arrears.

64 (c) If an individual fails to comply with the payment schedule described in Subsection
65 (3)(b), the office may notify the division and the individual is considered to be an individual
66 who is delinquent on a child support obligation and cannot obtain a new license, permit, or tag
67 without complying with this Subsection (3).

68 (4) (a) The division or a wildlife license agent may not knowingly issue a license,
69 permit, or tag under this title to an individual identified by the office as delinquent on a child
70 support obligation until notified by the office that the individual has complied with Subsection
71 (3).

72 (b) The division is not required to hold or reserve a license, permit, or tag opportunity
73 withheld from an individual pursuant to Subsection (4)(a) for purposes of reissuance to that
74 individual upon compliance with Subsection (3).

75 (c) The division may immediately reissue to another qualified person a license, permit,
76 or tag opportunity withheld from an individual identified by the office as delinquent on a child
77 support obligation pursuant to Subsection (4)(a).

78 (5) The office and division shall automate the process for the division or a wildlife
79 license agent to be notified whether an individual is delinquent on a child support obligation or
80 has complied with Subsection (3).

81 (6) The office is responsible to provide any administrative or judicial review required
82 incident to the division issuing or denying a license, permit, or tag to an individual under
83 Subsection (4).

84 (7) The denial or withholding of a license, permit, or tag under this section is not a
85 suspension or revocation of license and permit privileges for purposes of:

86 (a) Section 23-19-9;

87 (b) Subsection 23-20-4(1); and

88 (c) Section 23-25-6.

89 (8) This section does not modify a court action to withhold, suspend, or revoke a

90 recreational license under Sections 62A-11-107 and 78B-6-315.

91 Section 2. **Effective date.**

92 This bill takes effect on July 1, 2021.