

neglects to provide for the support and maintenance of his [wife] OR HER SPOUSE is guilty of a misdemeanor, and upon conviction in any court of the State having criminal jurisdiction shall be punished by a fine not exceeding \$100, or imprisonment for not more than three years, or both, in the discretion of the court. Any person charged with a violation of this section may be prosecuted in the jurisdiction where ~~he--or--SHE OR THE SPOUSE~~ EITHER OF THE PARTIES [his wife] resides. The fine may be directed by the court to be paid in whole or in part to the [wife;] SPOUSE; provided, that before the trial with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and financial ability of the defendant, may pass an order which is subject to change by it from time to time, as the circumstances may require, directing the defendant to pay a certain sum weekly for the space of three years to the [wife,] SPOUSE, and to release the defendant from custody on probation for the space of three years upon [his] THE DEFENDANT entering into a recognizance in such sum as the court shall direct, with or without sureties. Any such order shall constitute a lien on the earnings of the defendant and the employer is required to deduct the amount of the decree as soon as notified by the Probation Department. All such deductions are to be paid directly by the employer to the notifying Probation Department. The condition of the recognizance shall be such that if the defendant [makes his personal appearance] PERSONALLY APPEARS at the court whenever ordered to do so within the three years, and further complies with the terms of the order, or of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied by information and due proof under oath, at any time during the three years, that the defendant has violated the terms of the order, it may forthwith proceed to the trial of the defendant under the original indictment, or sentence [him] THE DEFENDANT under the original conviction, as the case may be. In the case of forfeiture of a recognizance and enforcement thereof be execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the [wife.] SPOUSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1978.

Approved May 29, 1978.

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CHAPTER 922

(House Bill 1182)

AN ACT concerning