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LRB095 07308 DRJ 33265 a

1 AMENDMENT TO HOUSE BILL 619

2 AMENDMENT NO. _____. Amend House Bill 619 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Income Withholding for Support Act is
5 amended by changing Section 50 as follows:

6 (750 ILCS 28/50)

7 Sec. 50. Penalties.

8 (a) Where a payor wilfully fails to withhold or pay over
9 income pursuant to a properly served income withholding notice,
10 or wilfully discharges, disciplines, refuses to hire or
11 otherwise penalizes an obligor as prohibited by Section 40, or
12 otherwise fails to comply with any duties imposed by this Act,
13 the obligee, public office or obligor, as appropriate, may file
14 a complaint with the court against the payor. The Clerk of the
15 Circuit Court shall notify the obligee or public office, as
16 appropriate, and the obligor and payor of the time and place of

1 the hearing on the complaint. The court shall resolve any
2 factual dispute including, but not limited to, a denial that
3 the payor is paying or has paid income to the obligor. Upon a
4 finding in favor of the complaining party, the court:

5 (1) shall enter judgment and direct the enforcement
6 thereof for the total amount that the payor wilfully failed
7 to withhold or pay over; and

8 (2) may order employment or reinstatement of or
9 restitution to the obligor, or both, where the obligor has
10 been discharged, disciplined, denied employment or
11 otherwise penalized by the payor and may impose a fine upon
12 the payor not to exceed \$200.

13 (b) Any obligee, public office or obligor who wilfully
14 initiates a false proceeding under this Act or who wilfully
15 fails to comply with the requirements of this Act shall be
16 punished as in cases of contempt of court.

17 (c) Any officer or employee of any payor subject to the
18 provisions of this Act who has the control, supervision, or
19 responsibility for withholding and paying over income pursuant
20 to an income withholding notice properly served on the payor
21 and who wilfully fails to withhold or pay over income as
22 required under the income withholding notice shall be
23 personally liable for a penalty equal to the total amount that
24 was not withheld or paid over by the payor. The personal
25 liability imposed by this subsection shall survive the
26 dissolution of a partnership, limited liability company, or

1 corporation. For the purposes of this subsection, "officer or
2 employee of any payor" includes a partner of a partnership, a
3 manager or member of a limited liability corporation, and a
4 member of a registered limited liability partnership.

5 (Source: P.A. 90-673, eff. 1-1-99.)".