

Senator Ron Allen proposes to substitute the following bill:

PERFORMING UNLAWFUL MARRIAGES

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Allen

This act modifies provisions pertaining to marriage. The act provides specific penalties for performing marriages without authority or a valid license. It also provides a penalty for a parent or guardian who allows a minor child to be married in violation of the law.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

30-1-5, Utah Code Annotated 1953

30-1-13, as last amended by Chapter 144, Laws of Utah 1992

30-1-14, Utah Code Annotated 1953

30-1-15, Utah Code Annotated 1953

ENACTS:

30-1-9.1, Utah Code Annotated 1953

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

Section 1. Section **30-1-5** is amended to read:

30-1-5. Marriage solemnization -- Before unauthorized person -- Validity.

~~[No]~~ (1) A marriage solemnized before [any] a person professing to have authority [therefor] to perform marriages shall not be [invalid] invalidated for [want] lack of [such] authority, if consummated in the belief of the parties or either of them that he had [such] authority and that they have been lawfully married.

(2) This section may not be construed to validate a marriage that is prohibited or void under Section 30-1-2.

Section 2. Section **30-1-9.1** is enacted to read:



26 **30-1-9.1. Parental consent to prohibited marriage of minor -- Penalty.**

27 A parent or guardian who knowingly consents, encourages, promotes, or allows a minor
 28 child to enter into a marriage prohibited by § [this chapter] LAW § is guilty of a § [class A
 29 misdemeanor] THIRD DEGREE FELONY § .

29 Section 3. Section **30-1-13** is amended to read:

30 **30-1-13. Solemnization without license -- Penalty.**

31 If any person **§ KNOWINGLY §** solemnizes a marriage without a license, and if either party is
 31a under 16 years

32 of age, without a written authorization from a juvenile court, he is guilty of a **§ THIRD DEGREE**
 32a **FELONY [class-B]A**

33 ~~misdemeanor, and a penalty of imprisonment shall be not less than [one month] six months] § .~~

34 Section 4. Section **30-1-14** is amended to read:

35 **30-1-14. Acting without authority -- Impersonation -- Forgery -- Penalty.**

36 ~~[If any person not authorized solemnizes a marriage under pretense of having authority, or~~
 37 ~~falsely personates the father, mother or guardian in obtaining a license, or forges the name of the~~
 38 ~~father, mother or guardian to] A person is guilty of a third degree felony if he:~~

39 (1) § KNOWINGLY § solemnizes a marriage in violation of either Section 30-1-6 or 30-1-7 §
 39a , OR 30-1-9.1 § ; § OR §

40 (2) impersonates a parent or guardian of a minor to obtain a license for the minor to marry;

41 or

42 (3) forges the name of a parent or guardian of a minor on any writing purporting to give
 43 consent to [such marriage, he shall be punished by imprisonment in the state prison not exceeding
 44 three years] a marriage of a minor.

45 Section 5. Section **30-1-15** is amended to read:

46 **30-1-15. Solemnization of prohibited marriage -- Penalty.**

47 ~~[If any authorized person] Any person § [authorized under Section 30-1-6 to solemnize a~~
 48 ~~marriage] § who knowingly, with or without a license, solemnizes a marriage [such as is herein~~
 49 ~~prohibited, he shall be imprisoned in the state prison not exceeding three years, or fined not~~
 50 ~~exceeding \$1,000, or be both so fined and imprisoned] prohibited by § [this chapter] LAW § is~~
 51 guilty of a third
degree felony.