

**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:

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

A parent or guardian who knowingly consents or allows a minor child to enter into a marriage prohibited by law is guilty of a third degree felony.

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

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

If any person knowingly solemnizes a marriage without a license, and if either party is under 16 years of age, without a written authorization from a juvenile court, he is guilty of a [~~class B misdemeanor, and a penalty of imprisonment shall be not less than one month~~] third degree felony.

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

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

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

(1) knowingly solemnizes a marriage in violation of either Section 30-1-6, 30-1-7, or 30-1-9.1;

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

or

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

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

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

(1) [If any authorized person] Any person who knowingly, with or without a license, solemnizes a marriage [such as is herein prohibited, he shall be imprisoned in the state prison not exceeding three years, or fined not exceeding \$1,000, or be both so fined and imprisoned] of a minor prohibited by law is guilty of a third degree felony.

(2) Any person who knowingly, with or without a license, solemnizes a marriage between two adults prohibited by law is guilty of a class A misdemeanor.