

Senator Ron Allen proposes to substitute the following bill:

1 **PERFORMING UNLAWFUL MARRIAGES**

2 2001 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Ron Allen**

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

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

9 AMENDS:

10 **30-1-5**, Utah Code Annotated 1953

11 **30-1-13**, as last amended by Chapter 144, Laws of Utah 1992

12 **30-1-14**, Utah Code Annotated 1953

13 **30-1-15**, Utah Code Annotated 1953

14 ENACTS:

15 **30-1-9.1**, Utah Code Annotated 1953

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

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

18 **30-1-5. Marriage solemnization -- Before unauthorized person -- Validity.**

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

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

25 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 is guilty of a class A misdemeanor.

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

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

31 If any person solemnizes a marriage without a license, and if either party is under 16 years
32 of age, without a written authorization from a juvenile court, he is guilty of a 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) solemnizes a marriage in violation of either Section 30-1-6 or 30-1-7;

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 is guilty of a third
51 degree felony.~~