

HB0103S01 compared with HB0103

~~{Omitted text}~~ shows text that was in HB0103 but was omitted in HB0103S01

inserted text shows text that was not in HB0103 but was inserted into HB0103S01

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1

Underage Marriage Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd Weiler

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LONG TITLE

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General Description:

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This bill addresses provisions related to underage marriage.

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Highlighted Provisions:

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This bill:

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- creates the criminal offense of unlawfully marrying a minor;

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- creates the criminal offense of transporting a minor out of state for an illegal marriage;

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- creates the criminal offense of traveling out of state to marry a minor;

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- moves to the criminal code the existing criminal offense for a parent or guardian to unlawfully consent or allow a minor to enter a marriage;

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- moves to the criminal code the existing criminal offense for unlawfully solemnizing a marriage of a minor;

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- moves to the criminal code the existing criminal offense of fraudulently acting as a minor's parent or guardian for the purpose of providing a false consent for the minor to get married;

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HB0103

HB0103 compared with HB0103S01

provides that the statute of limitations for a criminal prosecution for unlawfully marrying a minor, transporting a minor out of state for an illegal marriage, or traveling out of state to marry a minor is 15 years from the day on which a minor to the marriage turns 18 years old;

- provides that a marriage performed in another country, state, or territory, in which one of the parties to the marriage is a minor, is invalid in Utah unless the marriage meets certain requirements; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-1-302 , as last amended by Laws of Utah 2022, Chapter 185

81-2-304 , as last amended by Laws of Utah 2025, Chapter 300

81-2-407 , as renumbered and amended by Laws of Utah 2024, Chapter 366

ENACTS:

~~{76-7-103 , Utah Code Annotated 1953}~~

~~{76-7-104 , Utah Code Annotated 1953}~~

76-7-105 , Utah Code Annotated 1953

76-7-106 , Utah Code Annotated 1953

76-7-107 , Utah Code Annotated 1953

76-7-108 , Utah Code Annotated 1953

76-7-109 , Utah Code Annotated 1953

76-7-110 , Utah Code Annotated 1953

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

Section 1. Section **76-1-302** is amended to read:

76-1-302. Time limitations for prosecution of offenses -- Specific exceptions -- Provisions if DNA evidence would identify the defendant -- Commencement of prosecution.

(1) Except as otherwise provided by Subsection (2) or another provision of the Utah Code, a prosecution for:

HB0103 compared with HB0103S01

- 50 (a) a felony or negligent homicide shall be commenced within four years after it is committed~~[, except~~
that prosecution for:] ;
- 52 ~~[(i) forcible sexual abuse shall be commenced within eight years after the offense is committed, if~~
within four years after its commission the offense is reported to a law enforcement agency; and]
- 55 ~~[(ii) incest shall be commenced within eight years after the offense is committed, if within four years~~
after its commission the offense is reported to a law enforcement agency;]
- 58 (b) a misdemeanor other than negligent homicide shall be commenced within two years after it is
committed; and
- 60 (c) any infraction shall be commenced within one year after it is committed.
- 61 (2)
- (a) ~~[Notwithstanding Subsection (1), prosecution]~~ A prosecution for:
- 62 (i) ~~[the offenses]~~ an offense listed in Subsections 76-3-203.5(1)(c)(i)(A) through (CC) may be
commenced at any time if the identity of the person who committed the crime is unknown but
DNA evidence is collected that would identify the person at a later date[-] ;
- 66 (ii) an offense of forcible sexual abuse, as described in Section 76-5-404, shall be commenced
within eight years after the offense is committed, if within four years after the offense's
commission, the offense is reported to a law enforcement agency;
- 70 (iii) an offense of incest, as described in Section 76-7-102, shall be commenced within eight years
after the offense is committed, if within four years after the offense's commission, the offense is
reported to a law enforcement agency;
- 73 (iv) an offense of unlawfully marrying a minor, as described in Section {76-7-103} 76-7-105, shall
be commenced within 15 years after the day on which a minor to the marriage turns 18 years
old;
- 76 (v) an offense of transporting a minor out of state for an illegal marriage, as described in Section
{76-7-106} 76-7-109, shall be commenced within 15 years after the day on which a minor to the
marriage turns 18 years old; and
- 79 (vi) an offense of traveling out of state to marry a minor, as described in Section {76-7-107}
76-7-110, shall be commenced within 15 years after the day on which a minor to the marriage
turns 18 years old.
- 82 (b) Subsection ~~[(2)(a)]~~ (2)(a)(i) does not apply if the statute of limitations on ~~[a crime]~~ the offense has
run as of May 5, 2003, and no charges have been filed.

HB0103 compared with HB0103S01

(3) If the statute of limitations would have run but for the provisions of Subsection [(2)] (2)(a)(i) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within four years of confirmation of the identity of the perpetrator.

(4) A prosecution is commenced upon:

(a) the finding and filing of an indictment by a grand jury;

(b) the filing of a complaint or information; or

(c) the issuance of a citation.

Section 2. Section 2 is enacted to read:

76-7-103. Unlawfully marrying a minor.

(1)

(a) As used in this section, "minor" means an individual who is younger than 18 years old.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawfully marrying a minor if:

(a) the actor is 18 years old or older;

(b) the actor marries a minor; and

(c) the marriage described in Subsection (2)(b) does not meet the requirements described in Section 81-2-304 for the actor to enter into the marriage with the minor.

(3) A violation of Subsection (2) is a third degree felony.

Section 3. Section 3 is enacted to read:

76-7-104. Parent or guardian unlawfully consenting or allowing an illegal marriage.

(1)

(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits parent or guardian unlawfully consenting or allowing an illegal marriage if:

(a) the actor is a parent or legal guardian of a minor; and

(b) the actor knowingly consents or allows the minor described in Subsection (2)(a) to enter into a marriage that does not meet the requirements described in Section 81-2-304.

(3) A violation of Subsection (2) is a third degree felony.

Section 2. Section 2 is enacted to read:

76-7-105. Unlawfully {solemnizing a marriage of} marrying a minor.

(1)

HB0103 compared with HB0103S01

(a) As used in this section, "minor" means ~~{the same as that term}~~ an individual who is ~~{defined in Section 76-7-103}~~ younger than 18 years old.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawfully ~~{solemnizing a marriage of}~~ marrying a minor if:

~~{(a)}~~

(a) the actor is 18 years old or older;

(i) ~~{(b)}~~ the actor ~~{knowingly, with or without a license, solemnizes the marriage of}~~ marries a minor;
and

(ii) ~~{(c)}~~ the marriage described in Subsection ~~{(2)(a)(i)}~~ (2)(b) does not meet the requirements described in Section 81-2-304 for the ~~{minor}~~ actor to enter into the marriage ~~{;or}~~ with the minor.

~~{(b) {without a written authorization from a juvenile court, the actor solemnizes a marriage to which a party is a minor.}}~~

(3) A violation of Subsection (2) is a third degree felony.

Section 3. Section 3 is enacted to read:

76-7-106. ~~{Fraudulently acting as a parent}~~ Parent or guardian ~~{for a minor's}~~ unlawfully consenting or allowing an illegal marriage.

(1)

(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits ~~{fraudulently acting as a}~~ parent or guardian ~~{for a minor's}~~ unlawfully consenting or allowing an illegal marriage if ~~{the actor knowingly}~~ :

(a) ~~{impersonates}~~ the actor is a parent or legal guardian of a minor ~~{to obtain a license for the minor to marry under Section 81-2-304}~~ ; ~~{or}~~ and

(b) ~~{forges the name of a parent}~~ the actor knowingly consents or ~~{legal guardian of a minor on any writing purporting to give consent}~~ allows the minor described in Subsection (2)(a) to enter into a marriage ~~{of a minor under}~~ that does not meet the requirements described in Section 81-2-304.

(3) A violation of Subsection (2) is a third degree felony.

Section 4. Section 4 is enacted to read:

76-7-107. ~~{Transporting}~~ Unlawfully solemnizing a marriage of a minor ~~{out of state for an illegal marriage}~~ .

(1)

HB0103 compared with HB0103S01

(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits ~~{transporting-}~~ unlawfully solemnizing a marriage of a minor ~~{out of state for an illegal marriage-}~~ if:

(a)

(i) the actor knowingly ~~{transports-}~~ , with or ~~{causes another person to transport, a minor who is-}~~ without a ~~{resident of-}~~ license, solemnizes the ~~{state out-}~~ marriage of ~~{the state for the purpose of the minor being married to any individual-}~~ a minor; and

~~{(b) {the marriage described in Subsection (2)(a) is invalid in this state under Subsection 81-2-407(3); and}-}~~

(ii) ~~{after-}~~ the marriage described in Subsection ~~{(2)(a)-}~~ (2)(a)(i) does not meet the ~~{actor transports, or causes another person to transport,-}~~ requirements described in Section 81-2-304 for the minor ~~{back-}~~ to enter into the ~~{state-}~~ marriage; or

(b) without a written authorization from a juvenile court, the actor solemnizes a marriage to which a party is a minor.

(3) A violation of Subsection (2) is a third degree felony.

Section 5. Section 5 is enacted to read:

76-7-108. {Traveling out of state to marry a minor} Fraudulently acting as a parent or guardian for a minor's marriage.

(1)

(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits ~~{traveling out of state to marry a minor if-}~~ fraudulently acting as a parent or guardian for a minor's marriage if the actor knowingly:

~~{(a) {the actor is 18 years old or older;-}~~

(a) {the actor is-} impersonates a {resident-} parent or legal guardian of {the state and knowingly travels out of the state-} a minor to obtain a license for the {purpose of marrying a-} minor {;-} to marry under Section 81-2-304; or

~~{(c) {the actor marries a minor;-}~~

~~{(d) {the marriage described in Subsection (2)(c) is invalid in this state under Subsection 81-2-407(3); and}-}~~

HB0103 compared with HB0103S01

{(e) ~~{ after the marriage described in Subsection (2)(c), the actor transports, or causes another person to transport, the minor into the state.}~~}

(b) forges the name of a parent or legal guardian of a minor on any writing purporting to give consent to a marriage of a minor under Section 81-2-304.

(3) A violation of Subsection (2) is a third degree felony.

Section 6. Section **6** is enacted to read:

76-7-109. Transporting a minor out of state for an illegal marriage.

(1)

(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits transporting a minor out of state for an illegal marriage if:

(a) the actor knowingly transports, or causes another person to transport, a minor who is a resident of the state out of the state for the purpose of the minor being married to any individual;

(b) the marriage described in Subsection (2)(a) is invalid in this state under Subsection 81-2-407(3); and

(c) after the marriage described in Subsection (2)(a), the actor transports, or causes another person to transport, the minor back into the state.

(3) A violation of Subsection (2) is a third degree felony.

Section 7. Section **7** is enacted to read:

76-7-110. Traveling out of state to marry a minor.

(1)

(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits traveling out of state to marry a minor if:

(a) the actor is 18 years old or older;

(b) the actor is a resident of the state and knowingly travels out of the state for the purpose of marrying a minor;

(c) the actor marries a minor;

(d) the marriage described in Subsection (2)(c) is invalid in this state under Subsection 81-2-407(3); and

(e) after the marriage described in Subsection (2)(c), the actor transports, or causes another person to transport, the minor into the state.

(3) A violation of Subsection (2) is a third degree felony.

HB0103 compared with HB0103S01

Section 8. Section **81-2-304** is amended to read:

81-2-304. Marriage of a minor -- Consent of parent or guardian -- Juvenile court authorization.

(1)

(a) If an applicant is a minor at the time of applying for a license, a county clerk may not issue a marriage license without the signed consent of the minor's parent or legal guardian given in person to the clerk, except that:

(i) if the parents of the minor are divorced, consent shall be given by the parent having legal custody of the minor as evidenced by an oath of affirmation to the clerk;

(ii) if the parents of the minor are divorced and have been awarded joint custody of the minor, consent shall be given by the parent having physical custody of the minor the majority of the time as evidenced by an oath of affirmation to the clerk; or

(iii) if the minor is not in the custody of a parent, the legal guardian shall provide the consent and provide proof of guardianship by court order as well as an oath of affirmation.

(b) Each applicant, and the minor's consenting parent or legal guardian if an applicant is a minor, shall appear in person before the county clerk and provide legal documentation to establish the following information:

(i) the legal relationship between the minor and the minor's parent or legal guardian;

(ii) the legal name and identity of the minor; and

(iii) the birth date of each applicant.

(c) An individual may present the following documents to satisfy a requirement described in Subsection (1)(b):

(i) for verifying the legal relationship between the minor and the minor's parent or legal guardian, one of the following:

(A) the minor's certified birth certificate with the name of the parent, and an official translation if the birth certificate is in a language other than English;

(B) a report of a birth abroad with the name of the minor and the parent;

(C) a certified adoption decree with the name of the minor and the parent; or

(D) a certified court order establishing custody or guardianship between the minor and the parent or legal guardian;

(ii) for verifying the legal name and identity of the minor, one of the following:

HB0103 compared with HB0103S01

- 202 (A) an expired or current passport;
203 (B) a driver's license;
204 (C) a certificate of naturalization;
205 (D) a military identification
206 (E) a state identification card; or
207 (F) a government employee identification card from a federal, state, or municipal government; and
209 (iii) for verifying the birth date of each applicant, one of the following for each applicant:
211 (A) a certified birth certificate;
212 (B) a report of a birth abroad;
213 (C) a certificate of naturalization;
214 (D) a certificate of citizenship;
215 (E) a passport;
216 (F) a driver's license; or
217 (G) a state identification card.
218 (d) An individual may not use a temporary or altered document to satisfy a requirement described in
Subsection (1)(b).
220 (2)
(a) The minor and the parent or legal guardian of the minor shall obtain a written authorization to marry
from:
222 (i) a judge of the court exercising juvenile jurisdiction in the county where either party to the
marriage resides; or
224 (ii) a court commissioner as permitted by rule of the Judicial Council.
225 (b) Before issuing written authorization for a minor to marry, the judge or court commissioner shall
determine:
227 (i) that the minor is entering into the marriage voluntarily; and
228 (ii) the marriage is in the best interest of the minor under the circumstances.
229 (c) The judge or court commissioner shall require that both parties to the marriage complete premarital
counseling, except the requirement for premarital counseling may be waived if premarital
counseling is not reasonably available.
232 (d) The judge or court commissioner may require:
233 (i) that the minor continue to attend school, unless excused under Section 53G-6-204; and

HB0103 compared with HB0103S01

- 235 (ii) any other conditions that the court deems reasonable under the circumstances.
- 236 (e) The judge or court commissioner may not issue a written authorization for a minor to marry if the
age difference between both parties to the marriage is more than four years.
- 239 (f) The judge or court commissioner may not issue a written authorization for a minor to marry until
at least 72 hours after the time at which the minor and the minor's parent or legal guardian file the
petition for the written authorization.
- 242 (3)
- (a) The determination required in Subsection (2) shall be made on the record.
- 243 (b) Any inquiry conducted by the judge or commissioner may be conducted in chambers.
- 244 ~~[(4)~~
- ~~(a) A parent or legal guardian who knowingly consents or allows a minor to enter into a marriage
prohibited by law is guilty of a third-degree felony.]~~
- 246 ~~[(b) An individual is guilty of a third-degree felony if the individual:]~~
- 247 ~~[(i) knowingly, with or without a license, solemnizes the marriage of an individual who is younger than
18 years old and the marriage is prohibited by law;]~~
- 249 ~~[(ii) without a written authorization from the juvenile court, solemnizes a marriage to which a party is a
minor;]~~
- 251 ~~[(iii) impersonates a parent or legal guardian of a minor to obtain a license for the minor to marry; or]~~
- 253 ~~[(iv) forges the name of a parent or legal guardian of a minor on any writing purporting to give consent
to a marriage of a minor.]~~
- 255 Section 9. Section **81-2-407** is amended to read:
- 256 **81-2-407. Validity of a foreign marriage -- Exceptions.**
- 257 (1) As used in this section, "minor" means an individual who is younger than 18 years old.
- 258 (2) A marriage solemnized in any other country, state, or territory, if valid where solemnized, is valid in
this state, unless:
- 260 ~~[(1)]~~ (a) the marriage would be prohibited and declared void in this state under Subsection 81-2-403(1)
(a); or
- 262 ~~[(2)]~~ (b) the marriage is between parties who are related to each other within and including three
degrees of consanguinity, except as provided in Subsection 81-2-402(2).
- 265

HB0103 compared with HB0103S01

(3) Notwithstanding Subsection (2), a marriage solemnized in any other country, state, or territory, in which at least one of the parties of the marriage was a minor at the time of the marriage solemnization, is invalid in this state unless:

(a) the minor was 16 or 17 years old at the time of the marriage solemnization;

(b) the age difference between both parties to the marriage is not more than four years;

(c) the minor obtained consent from a parent or guardian to enter the marriage;

(d) the minor voluntarily entered the marriage; and

(e) before the parties entered the marriage, a court provided written authorization for the marriage.

Section 10. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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