

Melissa G. Ballard proposes the following substitute bill:

Underage Marriage Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Melissa G. Ballard

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill addresses provisions related to underage marriage.

Highlighted Provisions:

This bill:

- creates the criminal offense of unlawfully marrying a minor;
- creates the criminal offense of transporting a minor out of state for an illegal marriage;
- creates the criminal offense of traveling out of state to marry a minor;
- 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;
- moves to the criminal code the existing criminal offense for unlawfully solemnizing a marriage of a minor;
- 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 marry;
- 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:

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **76-1-302**, as last amended by Laws of Utah 2022, Chapter 185

33 **81-2-304**, as last amended by Laws of Utah 2025, Chapter 300

34 **81-2-407**, as renumbered and amended by Laws of Utah 2024, Chapter 366

35 ENACTS:

36 **76-7-105**, Utah Code Annotated 1953

37 **76-7-106**, Utah Code Annotated 1953

38 **76-7-107**, Utah Code Annotated 1953

39 **76-7-108**, Utah Code Annotated 1953

40 **76-7-109**, Utah Code Annotated 1953

41 **76-7-110**, Utah Code Annotated 1953

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

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

44 **76-1-302 . Time limitations for prosecution of offenses -- Specific exceptions --**

45 **Provisions if DNA evidence would identify the defendant -- Commencement of**
46 **prosecution.**

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

49 (a) a felony or negligent homicide shall be commenced within four years after it is
50 committed[, except that prosecution for:] ;

51 [(i) ~~foreible sexual abuse shall be commeneed within eight years after the offense is~~
52 ~~committed, if within four years after its commission the offense is reported to a~~
53 ~~law enforcement agency; and]~~

54 [(ii) ~~ineest shall be commenced within eight years after the offense is committed, if~~
55 ~~within four years after its commission the offense is reported to a law enforcement~~
56 ~~agency;]~~

57 (b) a misdemeanor other than negligent homicide shall be commenced within two years
58 after it is committed; and

59 (c) any infraction shall be commenced within one year after it is committed.

60 (2)(a) [Notwithstanding Subsection (1), prosecution] A prosecution for:

61 (i) [the offenses] an offense listed in Subsections 76-3-203.5(1)(c)(i)(A) through (CC)

63 may be commenced at any time if the identity of the person who committed the
64 crime is unknown but DNA evidence is collected that would identify the person at
65 a later date[.] ;

66 (ii) an offense of forcible sexual abuse, as described in Section 76-5-404, shall be
67 commenced within eight years after the offense is committed, if within four years
68 after the offense's commission, the offense is reported to a law enforcement
69 agency;

70 (iii) an offense of incest, as described in Section 76-7-102, shall be commenced
71 within eight years after the offense is committed, if within four years after the
72 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 76-7-105,
74 shall be commenced within 15 years after the day on which a minor to the
75 marriage turns 18 years old;

76 (v) an offense of transporting a minor out of state for an illegal marriage, as described
77 in Section 76-7-109, shall be commenced within 15 years after the day on which a
78 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
80 76-7-110, shall be commenced within 15 years after the day on which a minor to
81 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
83 offense has run as of May 5, 2003, and no charges have been filed.

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

87 (4) A prosecution is commenced upon:

88 (a) the finding and filing of an indictment by a grand jury;
89 (b) the filing of a complaint or information; or
90 (c) the issuance of a citation.

91 Section 2. Section **76-7-105** is enacted to read:

92 **76-7-105 . Unlawfully marrying a minor.**

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

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

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

97 (a) the actor is 18 years old or older;
98 (b) the actor marries a minor; and
99 (c) the marriage described in Subsection (2)(b) does not meet the requirements described
100 in Section 81-2-304 for the actor to enter into the marriage with the minor.

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

102 Section 3. Section **76-7-106** is enacted to read:

103 **76-7-106 . Parent or guardian unlawfully consenting or allowing an illegal**
104 **marriage.**

105 (1)(a) As used in this section, "minor" means the same as that term is defined in Section
106 76-7-103.

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

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

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

111 (b) the actor knowingly consents or allows the minor described in Subsection (2)(a) to
112 enter into a marriage that does not meet the requirements described in Section
113 81-2-304.

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

115 Section 4. Section **76-7-107** is enacted to read:

116 **76-7-107 . Unlawfully solemnizing a marriage of a minor.**

117 (1)(a) As used in this section, "minor" means the same as that term is defined in Section
118 76-7-103.

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

120 (2) An actor commits unlawfully solemnizing a marriage of a minor if:

121 (a)(i) the actor knowingly, with or without a license, solemnizes the marriage of a
122 minor; and

123 (ii) the marriage described in Subsection (2)(a)(i) does not meet the requirements
124 described in Section 81-2-304 for the minor to enter into the marriage; or

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

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

128 Section 5. Section **76-7-108** is enacted to read:

129 **76-7-108 . Fraudulently acting as a parent or guardian for a minor's marriage.**

130 (1)(a) As used in this section, "minor" means the same as that term is defined in Section

131 76-7-103.

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

133 (2) An actor commits fraudulently acting as a parent or guardian for a minor's marriage if
134 the actor knowingly:

135 (a) impersonates a parent or legal guardian of a minor to obtain a license for the minor to
136 marry under Section 81-2-304; or

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

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

140 Section 6. Section **76-7-109** is enacted to read:

141 **76-7-109 . Transporting a minor out of state for an illegal marriage.**

142 (1)(a) As used in this section, "minor" means the same as that term is defined in Section
143 76-7-103.

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

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

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

149 (b) the marriage described in Subsection (2)(a) is invalid in this state under Subsection
150 81-2-407(3); and

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

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

154 Section 7. Section **76-7-110** is enacted to read:

155 **76-7-110 . Traveling out of state to marry a minor.**

156 (1)(a) As used in this section, "minor" means the same as that term is defined in Section
157 76-7-103.

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

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

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

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

163 (c) the actor marries a minor;

164 (d) the marriage described in Subsection (2)(c) is invalid in this state under Subsection

165 81-2-407(3); and

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

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

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

170 **81-2-304 . Marriage of a minor -- Consent of parent or guardian -- Juvenile court**
171 **authorization.**

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

- 175 (i) if the parents of the minor are divorced, consent shall be given by the parent
176 having legal custody of the minor as evidenced by an oath of affirmation to the
177 clerk;
- 178 (ii) if the parents of the minor are divorced and have been awarded joint custody of
179 the minor, consent shall be given by the parent having physical custody of the
180 minor the majority of the time as evidenced by an oath of affirmation to the clerk;
181 or
- 182 (iii) if the minor is not in the custody of a parent, the legal guardian shall provide the
183 consent and provide proof of guardianship by court order as well as an oath of
184 affirmation.

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

- 188 (i) the legal relationship between the minor and the minor's parent or legal guardian;
- 189 (ii) the legal name and identity of the minor; and
- 190 (iii) the birth date of each applicant.

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

- 193 (i) for verifying the legal relationship between the minor and the minor's parent or
194 legal guardian, one of the following:
 - 195 (A) the minor's certified birth certificate with the name of the parent, and an
196 official translation if the birth certificate is in a language other than English;
 - 197 (B) a report of a birth abroad with the name of the minor and the parent;
 - 198 (C) a certified adoption decree with the name of the minor and the parent; or

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

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

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
208 government; and

209 (iii) for verifying the birth date of each applicant, one of the following for each
210 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
219 described in Subsection (1)(b).

220 (2)(a) The minor and the parent or legal guardian of the minor shall obtain a written
221 authorization to marry from:

222 (i) a judge of the court exercising juvenile jurisdiction in the county where either
223 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
226 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
230 complete premarital counseling, except the requirement for premarital counseling
231 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;

234 and

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
237 marry if the age difference between both parties to the marriage is more than four
238 years.

239 (f) The judge or court commissioner may not issue a written authorization for a minor to
240 marry until at least 72 hours after the time at which the minor and the minor's parent
241 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
245 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
248 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
250 which a party is a minor;~~]

251 [~~(iii) impersonates a parent or legal guardian of a minor to obtain a license for the
252 minor to marry; or]~~

253 [~~(iv) forges the name of a parent or legal guardian of a minor on any writing
254 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
259 solemnized, is valid in this state, unless:

260 [~~(1) (a) the marriage would be prohibited and declared void in this state under
261 Subsection 81-2-403(1)(a); or~~

262 [~~(2) (b) the marriage is between parties who are related to each other within and
263 including three degrees of consanguinity, except as provided in Subsection
264 81-2-402(2).~~]

265 (3) Notwithstanding Subsection (2), a marriage solemnized in any other country, state, or
266 territory, in which at least one of the parties of the marriage was a minor at the time of

267 the marriage solemnization, is invalid in this state unless:
268 (a) the minor was 16 or 17 years old at the time of the marriage solemnization;
269 (b) the age difference between both parties to the marriage is not more than four years;
270 (c) the minor obtained consent from a parent or guardian to enter the marriage;
271 (d) the minor voluntarily entered the marriage; and
272 (e) before the parties entered the marriage, a court provided written authorization for the
273 marriage.

274 **Section 10. Effective Date.**

275 This bill takes effect on May 6, 2026.