

Part 1 Marital Violations

76-7-101 Bigamy -- Defense.

- (1) A person is guilty of bigamy when, knowing he has a husband or wife or knowing the other person has a husband or wife, the person purports to marry another person or cohabits with another person.
- (2) Bigamy is a felony of the third degree.
- (3) It shall be a defense to bigamy that the accused reasonably believed he and the other person were legally eligible to remarry.

Amended by Chapter 296, 1997 General Session

76-7-101.5 Child bigamy -- Penalty.

- (1) An actor 18 years of age or older is guilty of child bigamy when, knowing he or she has a wife or husband, or knowing that a person under 18 years of age has a wife or husband, the actor carries out the following with the person who is under 18 years of age:
 - (a) purports to marry the person who is under 18 years of age; or
 - (b) cohabits with the person who is under 18 years of age.
- (2) A violation of Subsection (1) is a second degree felony.

Enacted by Chapter 6, 2003 General Session

76-7-102 Incest -- Definitions -- Penalty.

- (1) As used in this section:
 - (a) "Provider" means a person who provides or makes available his seminal fluid or her human egg.
 - (b) "Related person" means a person related to the provider or actor as an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes:
 - (i) blood relationships of the whole or half blood without regard to legitimacy;
 - (ii) the relationship of parent and child by adoption; and
 - (iii) the relationship of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.
- (2)
 - (a) An actor is guilty of incest when, under circumstances not amounting to rape, rape of a child, or aggravated sexual assault, the actor knowingly and intentionally:
 - (i) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or
 - (ii) provides a human egg or seminal fluid under Subsection (2)(b)(v).
 - (b) Conduct referred to under Subsection (2)(a) is:
 - (i) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person;
 - (ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
 - (iii) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
 - (iv) a woman 18 years of age or older who:

- (A) knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and
- (B) knows that the seminal fluid is that of a person with whom she has kinship as a related person; or
- (v) providing the actor's sperm or human egg that is used to conduct in vitro fertilization, or any other means of fertilization, with the human egg or sperm of a person who is a related person.
- (c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider of the fertilizing sperm is not a related person regarding the person providing the egg.
- (3) Incest is a third degree felony.
- (4) A provider under this section is not a donor under Section 78B-15-702.

Amended by Chapter 84, 2009 General Session

76-7-103 Adultery.

- (1) A married person commits adultery when he voluntarily has sexual intercourse with a person other than his spouse.
- (2) Adultery is a class B misdemeanor.

Amended by Chapter 241, 1991 General Session

76-7-104 Fornication.

- (1) Any unmarried person who shall voluntarily engage in sexual intercourse with another is guilty of fornication.
- (2) Fornication is a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session