

Effective 5/5/2021

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76-7-101 Bigamy -- Penalty -- Defense.

- (1) An individual is guilty of bigamy if:
 - (a) the individual purports to marry another individual; and
 - (b) knows or reasonably should know that one or both of the individuals described in Subsection (1)(a) are legally married to another individual.
- (2) An individual who violates Subsection (1) is guilty of an infraction.
- (3) An individual is guilty of a third degree felony if the individual induces bigamy:
 - (a) under fraudulent or false pretenses; or
 - (b) by threat or coercion.
- (4) An individual is guilty of a second degree felony if the individual:
 - (a) cohabitates with another individual with whom the individual is engaged in bigamy as described in Subsection (1); and
 - (b) in furtherance of the conduct described in Subsection (4)(a), commits a felony offense, or for Subsection (4)(b)(vii), a misdemeanor offense, in violation of one or more of the following:
 - (i) Chapter 5, Part 2, Criminal Homicide;
 - (ii) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
 - (iii) Chapter 5, Part 4, Sexual Offenses;
 - (iv) Section 76-5-109, child abuse -- child abandonment;
 - (v) Section 76-5-111, abuse, neglect, or exploitation of a vulnerable adult;
 - (vi) Section 76-5-209, child abuse homicide;
 - (vii) Section 76-9-702.1, sexual battery;
 - (viii) Section 76-7-201, criminal nonsupport;
 - (ix) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or
 - (x) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.
- (5) It is a defense to prosecution under Subsection (2) that:
 - (a) the individual ceased the practice of bigamy as described in Subsection (1) under reasonable fear of coercion or bodily harm;
 - (b) the individual entered the practice of bigamy, as described in Subsection (1), as a minor and ceased the practice of bigamy at any time after the individual entered the practice of bigamy; or
 - (c) law enforcement discovers that the individual practices bigamy, as described in Subsection (1), as a result of the individual's efforts to protect the safety and welfare of another individual.