

PERFORMING UNLAWFUL MARRIAGES

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Ron Allen

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

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

AMENDS:

30-1-5, Utah Code Annotated 1953

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

30-1-14, Utah Code Annotated 1953

30-1-15, Utah Code Annotated 1953

ENACTS:

30-1-9.1, Utah Code Annotated 1953

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

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

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

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

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

Section 2. Section **30-1-9.1** is enacted to read:

30-1-9.1. Parental consent to prohibited marriage of minor -- Penalty.

A parent or guardian who knowingly consents or allows a minor child to enter into a marriage prohibited by law is guilty of a third degree felony.

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

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

If any person knowingly solemnizes a marriage without a license, and if either party is under 16 years of age, without a written authorization from a juvenile court, he is guilty of a [~~class B misdemeanor, and a penalty of imprisonment shall be not less than one month~~] third degree felony.

Section 4. Section **30-1-14** is amended to read:

30-1-14. Acting without authority -- Impersonation -- Forgery -- Penalty.

[~~If any person not authorized solemnizes a marriage under pretense of having authority, or falsely personates the father, mother or guardian in obtaining a license, or forges the name of the father, mother or guardian to~~] A person is guilty of a third degree felony if he:

(1) knowingly solemnizes a marriage in violation of either Section 30-1-6, 30-1-7, or 30-1-9.1;

(2) impersonates a parent or guardian of a minor to obtain a license for the minor to marry;
or

(3) forges the name of a parent or guardian of a minor on any writing purporting to give consent to [such marriage, he shall be punished by imprisonment in the state prison not exceeding three years] a marriage of a minor.

Section 5. Section **30-1-15** is amended to read:

30-1-15. Solemnization of prohibited marriage -- Penalty.

(1) [~~If any authorized person~~] Any person who knowingly, with or without a license, solemnizes a marriage [~~such as is herein prohibited, he shall be imprisoned in the state prison not exceeding three years, or fined not exceeding \$1,000, or be both so fined and imprisoned~~] of a minor prohibited by law is guilty of a third degree felony.

(2) Any person who knowingly, with or without a license, solemnizes a marriage between two adults prohibited by law is guilty of a class A misdemeanor.