

1 **PERFORMING UNLAWFUL MARRIAGES**

2 2001 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Ron Allen**

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

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

9 AMENDS:

10 **30-1-2**, as last amended by Chapter 15, Laws of Utah 1999

11 **30-1-5**, Utah Code Annotated 1953

12 **30-1-13**, as last amended by Chapter 144, Laws of Utah 1992

13 **30-1-14**, Utah Code Annotated 1953

14 **30-1-15**, Utah Code Annotated 1953

15 ENACTS:

16 **30-1-9.1**, Utah Code Annotated 1953

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

18 Section 1. Section **30-1-2** is amended to read:

19 **30-1-2. Marriages prohibited and void.**

20 The following marriages are prohibited and declared void:

21 (1) when there is a husband or wife living, from whom the person marrying has not been
22 divorced;

23 (2) when the male or female is under 18 years of age unless consent is obtained as
24 provided in Section 30-1-9;

25 (3) when the male or female is under 14 years of age or, beginning May 3, 1999, when the
26 male or female is under 16 years of age at the time the parties attempt to enter into the marriage;
27 however, exceptions may be made for a person 15 years of age, under conditions set in accordance

28 with Section 30-1-9;

29 (4) between a divorced person and any person other than the one from whom the divorce
30 was secured until the divorce decree becomes absolute, and, if an appeal is taken, until after the
31 affirmance of the decree; ~~[and]~~

32 (5) between persons of the same sex~~[-];~~ and

33 (6) plural marriages in violation of Utah Constitution, Article III, Section 1.

34 Section 2. Section **30-1-5** is amended to read:

35 **30-1-5. Marriage solemnization -- Before unauthorized person -- Validity.**

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

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

42 Section 3. Section **30-1-9.1** is enacted to read:

43 **30-1-9.1. Parental consent to prohibited marriage of minor -- Penalty.**

44 A parent or guardian who knowingly consents, encourages, promotes, or allows a minor
45 child to enter into a marriage prohibited by this chapter is guilty of a class A misdemeanor.

46 Section 4. Section **30-1-13** is amended to read:

47 **30-1-13. Solemnization without license -- Penalty.**

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

51 Section 5. Section **30-1-14** is amended to read:

52 **30-1-14. Acting without authority -- Impersonation -- Forgery -- Penalty.**

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

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

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

58 or

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

62 Section 6. Section **30-1-15** is amended to read:

63 **30-1-15. Solemnization of prohibited marriage -- Penalty.**

64 [~~If any authorized person] Any person authorized under Section 30-1-6 to solemnize a~~

65 marriage who knowingly, with or without a license, solemnizes a marriage [~~such as is herein~~
66 ~~prohibited, he shall be imprisoned in the state prison not exceeding three years, or fined not~~
67 ~~exceeding \$1,000, or be both so fined and imprisoned] prohibited by this chapter is guilty of a third
68 degree felony.~~

Legislative Review Note
as of 1-22-01 12:17 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel