

1 **MARRIAGE DEFINED**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: D. Chris Buttars**

6 **LONG TITLE**

7 **General Description:**

8 This bill declares that the public policy of this state on marriage is that it may only be
9 contracted between a man and a woman and declares same sex marriages or civil
10 unions void and unenforceable.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ declares that the public policy of Utah is that a marriage consists of a union between
14 a man and a woman;
15 ▶ prohibits recognition of foreign same sex marriages or civil unions; and
16 ▶ prohibits the courts of this state from granting a divorce between parties having
17 contracted a prohibited marriage or civil union outside the state.

18 **Monies Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **30-1-2**, as last amended by Chapter 15, Laws of Utah 1999

25 ENACTS:

26 **30-1-.5**, Utah Code Annotated 1953



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

29 Section 1. Section **30-1-5** is enacted to read:

30 **30-1-5. State policy on marriage -- Same sex marriage prohibited and not**
31 **recognized.**

32 (1) It is the policy of this state to only recognize the union of a man and a woman as a
33 valid marriage.

34 (a) Marriages between persons of the same sex are prohibited in this state.

35 (b) Civil unions between persons of the same sex may not be recognized in this state as
36 conferring any benefits granted to persons who are validly married.

37 (2) Any marriage or civil union entered into by persons of the same sex pursuant to a
38 license issued by another state or foreign jurisdiction shall be invalid in this state. Any
39 contractual rights granted by virtue of such license shall be unenforceable in the courts of this
40 state.

41 (3) The courts of this state may not grant a divorce or separate maintenance with
42 respect to any marriage or civil union contracted in violation of Subsection (1), or rule on any
43 of the parties' respective rights arising as a result of or in connection with such a marriage or
44 civil union.

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

46 **30-1-2. Marriages prohibited and void.**

47 The following marriages are prohibited and declared void:

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

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

52 (3) when the male or female is under 14 years of age or, beginning May 3, 1999, when
53 the male or female is under 16 years of age at the time the parties attempt to enter into the
54 marriage; however, exceptions may be made for a person 15 years of age, under conditions set
55 in accordance with Section 30-1-9; and

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

59 [~~(5) between persons of the same sex.~~]

Legislative Review Note
as of 9-30-03 10:37 AM

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

Office of Legislative Research and General Counsel