

BIGAMY OFFENSE AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Jerry W. Stevenson

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding bigamy.

Highlighted Provisions:

This bill:

▶ revises the definition of bigamy ~~H→ [H→ ; and~~

12a ~~—▶ modifies the criminal penalty ←H] ←H .~~

Money Appropriated in this Bill:

None

Other Special Clauses:

~~H→ [None]~~ **This bill provides a special effective date ←H**

Utah Code Sections Affected:

AMENDS:

76-7-101, as last amended by Laws of Utah 1997, Chapter 296

76-7-101.5, as enacted by Laws of Utah 2003, Chapter 6

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

Section 1. Section **76-7-101** is amended to read:

76-7-101. Bigamy -- Defense.

(1) A person is guilty of bigamy when, knowing [he] the person has a husband or wife or knowing the other person has a husband or wife, the person purports to marry [another] ~~H→~~ **[the other person [or]]** , ~~←H~~ **and** ~~H→~~ **[cohabits] cohabitates ←H** with ~~H→~~ , ~~←H~~ [another] the other person.

H.B. 281



28 (2) Bigamy is a ~~Ĥ→~~ [~~Ĥ→~~] third degree felony [~~Ĥ→~~] ~~←Ĥ~~ [~~of the third degree~~]
 28a ~~Ĥ→~~ [~~Ĥ→~~ class A
 28b misdemeanor ~~←Ĥ~~] ~~←Ĥ~~ .

29 (3) It [~~shall be~~] is a defense to bigamy that the accused reasonably believed [~~he~~] the
 30 accused and the other person were legally eligible to remarry.

31 Section 2. Section **76-7-101.5** is amended to read:

32 **76-7-101.5. Child bigamy -- Penalty.**

33 (1) An actor 18 years of age or older is guilty of child bigamy when, knowing he or she
 34 has a wife or husband, or knowing that a person under 18 years of age has a wife or husband,
 35 the actor carries out the following with the person who is under 18 years of age:

- 36 (a) purports to marry the person who is under 18 years of age; [~~or~~] and
- 37 (b) ~~Ĥ→~~ [~~cohabits~~] cohabitates ~~←Ĥ~~ with the person who is under 18 years of age.

38 (2) A violation of Subsection (1) is a second degree felony.

38a ~~Ĥ→~~ Section 3. Effective date.

38b If approved by two-thirds of all the members elected to each house, this bill takes effect upon
 38c approval by the governor, or the day following the constitutional time limit of Utah
 38d Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
 38e the date of veto override. ~~←Ĥ~~

Legislative Review Note
Office of Legislative Research and General Counsel