

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 ~~to~~ ~~read~~ ~~as follows:~~ ~~and~~

~~to~~ ~~modify~~ ~~the~~ ~~criminal~~ ~~penalty~~ ~~to~~ ~~read~~ ~~as~~ ~~follows:~~ ~~and~~ .

Money Appropriated in this Bill:

None

Other Special Clauses:

~~This bill provides a special effective date~~ ~~to~~ ~~read~~ ~~as~~ ~~follows:~~ ~~and~~

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~~ ~~person~~ ~~or~~ ~~another~~ ~~person~~ ~~and~~ ~~cohabits~~ ~~with~~ ~~another~~ ~~person~~ ~~or~~ ~~cohabitates~~ ~~with~~ ~~another~~ ~~person~~ the other person.

H.B. 281



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

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) ~~H→~~ [~~cohabits~~] **cohabitates** ←~~H→~~ with the person who is under 18 years of age.

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

38a ~~H→~~ **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.** ←~~H→~~

Legislative Review Note
Office of Legislative Research and General Counsel