

Representative Michael E. Noel proposes the following substitute bill:

BIGAMY OFFENSE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies the Utah Criminal Code regarding the offense of bigamy.

Highlighted Provisions:

This bill:

- ▶ revises the definitions of bigamy and child bigamy.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

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 -- Penalty -- Defense.

(1) A person is guilty of bigamy when, knowing [he] the person has a husband or wife



26 or knowing the other person has a husband or wife, the person purports to marry [~~another~~
27 ~~person or cohabits with another~~] and cohabitates with the other person.

28 (2) Bigamy is a third degree felony [~~of the third degree~~].

29 (3) Bigamy is a second degree felony if the accused is also convicted during the same
30 prosecution of the following:

31 (a) inducing marriage or bigamy under false pretenses;

32 (b) fraud;

33 (c) domestic abuse;

34 (d) child abuse;

35 (e) sexual abuse;

36 (f) human trafficking; or

37 (g) human smuggling.

38 [~~(3)~~] (4) It [~~shall be~~] is a defense to bigamy that:

39 (a) the accused reasonably believed [~~he~~] the accused and the other person were legally
40 eligible to [~~remarry.~~] marry;

41 (b) the accused is a person who, under reasonable fear of coercion or bodily harm, left
42 a bigamous relationship as defined in Subsection (1); ~~H→~~ [~~or~~] ~~←H~~

43 (c) the accused is a minor who left a bigamous relationship as defined in Subsection

44 (1) ~~H→~~ [~~;~~] ; or

44a (d) the accused has taken steps to protect the safety and welfare of any minor child of a
44b bigamous relationship. ~~←H~~

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

46 **76-7-101.5. Child bigamy -- Penalty.**

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

50 (a) purports to marry the person who is under 18 years of age; [~~or~~] and

51 (b) [~~cohabits~~] cohabitates with the person who is under 18 years of age.

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

53 Section 3. **Effective date.**

54 If approved by two-thirds of all the members elected to each house, this bill takes effect
55 upon approval by the governor, or the day following the constitutional time limit of Utah

56 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,

57 the date of veto override.