

HB0099S01 compared with HB0099

~~deleted text~~ shows text that was in HB0099 but was deleted in HB0099S01.

Inserted text shows text that was not in HB0099 but was inserted into HB0099S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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: _____

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

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

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

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

(a) inducing marriage or bigamy under false pretenses;

(b) fraud;

(c) domestic abuse;

(d) child abuse;

(e) sexual abuse;

(f) human trafficking; or

(g) human smuggling.

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

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

(b) the accused is a person who, under reasonable fear of coercion or bodily harm, left a bigamous relationship as defined in Subsection (1); or

(c) the accused is a minor who left a bigamous relationship as defined in Subsection (1).

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

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

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

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

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

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

Section 3. Effective date.

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

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Legislative Review Note

Office of Legislative Research and General Counsel†