

Senator Deidre M. Henderson proposes the following substitute bill:

BIGAMY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: V. Lowry Snow

| | | | |
|----|-------------------|------------------|------------------|
| 6 | Cosponsors: | Daniel Hemmert | Ralph Okerlund |
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| 10 | Luz Escamilla | Derek L. Kitchen | Todd Weiler |
| 11 | Lincoln Fillmore | Daniel McCay | Ronald Winterton |
| 12 | Keith Grover | Ann Millner | |



LONG TITLE

General Description:

This bill modifies provisions defining the crime of and penalties associated with bigamy.

Highlighted Provisions:

- This bill:
- ▶ reclassifies the crime of bigamy as an infraction;
 - ▶ classifies inducing involuntary bigamy as a third degree felony;
 - ▶ modifies the list of crimes that, when committed in conjunction with bigamy, are a second degree felony; and
 - ▶ makes conforming changes.



25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **76-7-101**, as last amended by Laws of Utah 2017, Chapter 442



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

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

35 **76-7-101. Bigamy -- Penalty -- Defense.**

36 [~~(1) A person is guilty of bigamy when, knowing the person has a husband or wife or~~
37 ~~knowing the other person has a husband or wife, the person purports to marry and cohabitates~~
38 ~~with the other person.]~~

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

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

42 [~~(a) inducing marriage or bigamy under false pretenses;]~~

43 [~~(b) fraud;]~~

44 [~~(c) domestic abuse;]~~

45 [~~(d) child abuse;]~~

46 [~~(e) sexual abuse;]~~

47 [~~(f) human trafficking; or]~~

48 [~~(g) human smuggling.]~~

49 (1) An individual is guilty of bigamy if:

50 (a) the individual purports to marry another individual; and

51 (b) knows or reasonably should know that one or both of the individuals described in

52 Subsection (1)(a) are legally married to another individual.

53 (2) An individual who violates Subsection (1) is guilty of an infraction.

54 (3) An individual is guilty of a third degree felony if the individual induces bigamy:

55 (a) under fraudulent or false pretenses; or

56 (b) by threat or coercion.

57 (4) An individual is guilty of a second degree felony if the individual:

58 (a) cohabitates with another individual with whom the individual is engaged in bigamy

59 as described in Subsection (1); and

60 (b) in furtherance of the conduct described in Subsection (4)(a), commits a felony

61 offense ~~H~~→ , or for Subsection (4)(b)(vii), a misdemeanor offense, ←~~H~~ in violation of one or

61a more of the following:

62 (i) Chapter 5, Part 2, Criminal Homicide;

63 (ii) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

64 (iii) Chapter 5, Part 4, Sexual Offenses;

65 (iv) Section [76-5-109](#), child abuse--child abandonment;

66 (v) Section [76-5-111](#), abuse, neglect, or exploitation of a vulnerable adult;

67 (vi) Section [76-5-209](#), child abuse homicide;

68 (vii) Section [76-9-702.1](#), sexual battery;

69 (viii) Section [76-7-201](#), criminal nonsupport; or

70 (ix) Title 77, Chapter 36, Cohabitant Abuse Procedures Act.

71 [~~(4)~~] (5) It is a defense to [bigamy] prosecution under Subsection (2) that:

72 [~~(a) the accused reasonably believed the accused and the other person were legally~~

73 eligible to marry;]

74 [~~(b) the accused is a person who, under reasonable fear of coercion or bodily harm, left~~

75 a bigamous relationship as defined in Subsection (1);]

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

77 (1); or]

78 [~~(d) the accused has taken steps to protect the safety and welfare of any minor child of~~

79 a bigamous relationship.]

80 (a) the individual ceased the practice of bigamy as described in Subsection (1) under

81 reasonable fear of coercion or bodily harm;

82 (b) the individual entered the practice of bigamy, as described in Subsection (1), as a

83 minor and ceased the practice of bigamy at any time after the individual entered the practice of

84 bigamy; or

85 (c) law enforcement discovers that the individual practices bigamy, as described in

86 Subsection (1), as a result of the individual's efforts to protect the safety and welfare of another

87 individual.