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MARRIAGE AND BIGAMY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: V. Lowry Snow

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;
- ▶ repeals provisions validating certain forms of marriage; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

REPEALS:

30-1-2.1, as enacted by Laws of Utah 1963, Chapter 41



28 ~~30-1-2.2~~, as last amended by Laws of Utah 1995, Chapter 20

29 ~~30-1-2.3~~, as last amended by Laws of Utah 1995, Chapter 20



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

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

33 **~~76-7-101. Bigamy -- Penalty -- Defense.~~**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

53 (a) under fraudulent or false pretenses; or

54 (b) by threat or coercion.

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

56 (a) cohabitates with another individual with whom the individual is engaged in bigamy
57 as described in Subsection (1); and

58 (b) during or in furtherance of the conduct described in Subsection (4)(a), commits an

59 offense in violation of one or more of the following:

- 60 (i) Chapter 5, Part 2, Criminal Homicide;
- 61 (ii) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 62 (iii) Chapter 5, Part 4, Sexual Offenses;
- 63 (iv) Chapter 8, Part 12, Public Assistance Fraud;
- 64 (v) Section 76-5-109, child abuse--child abandonment;
- 65 (vi) Section 76-5-111, abuse, neglect, or exploitation of a vulnerable adult;
- 66 (vii) Section 76-5-209, child abuse homicide;
- 67 (viii) Section 76-9-702.1, sexual battery;
- 68 (ix) Section 76-7-201, criminal nonsupport; or
- 69 (x) Title 77, Chapter 36, Cohabitant Abuse Procedures Act, if the offense is a felony.

70 ~~[(4)]~~ (5) It is a defense to bigamy that:

71 ~~[(a) the accused reasonably believed the accused and the other person were legally~~
72 ~~eligible to marry;]~~

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

75 (a) the individual ceased the practice of bigamy as described in Subsection (1) under
76 reasonable fear of coercion or bodily harm;

77 ~~[(c)]~~ (b) the ~~[accused]~~ individual is a minor who ~~[left a bigamous relationship as~~
78 ~~defined]~~ ceased the practice of bigamy as described in Subsection (1); or

79 ~~[(d)]~~ (c) the ~~[accused]~~ individual has taken steps to protect the safety and welfare of
80 any minor ~~[child of a bigamous relationship]~~ engaged in or likely to become engaged in the
81 practice of bigamy.

82 Section 2. **Repealer.**

83 This bill repeals:

84 Section **30-1-2.1, Validation of marriage to a person subject to chronic epileptic fits**
85 **who had not been sterilized.**

86 Section **30-1-2.2, Validation of interracial marriages.**

87 Section **30-1-2.3, Validation of marriage to a person with acquired immune**
88 **deficiency syndrome or other sexually transmitted disease.**