

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
7	Jacob L. Anderegg	Lyle W. Hillyard	Kathleen Riebe
8	Curtis S. Bramble	David P. Hinkins	Scott D. Sandall
9	Kirk A. Cullimore	Don L. Ipson	Evan J. Vickers
10	Luz Escamilla	Derek L. Kitchen	Todd Weiler
11	Lincoln Fillmore	Daniel McCay	Ronald Winterton
12	Keith Grover	Ann Millner	



LONG TITLE

General Description:

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

Highlighted Provisions:

- 19 This bill:
- 20 ▶ reclassifies the crime of bigamy as an infraction;
 - 21 ▶ classifies inducing involuntary bigamy as a third degree felony;
 - 22 ▶ modifies the list of crimes that, when committed in conjunction with bigamy, are a
23 second degree felony; and
 - 24 ▶ 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 in violation of one or 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.