

SB0102S01 compared with SB0102

~~{deleted text}~~ shows text that was in SB0102 but was deleted in SB0102S01.

inserted text shows text that was not in SB0102 but was inserted into SB0102S01.

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.

~~{MARRIAGE AND}~~ 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

| | | |
|--------------------------|-------------------------|-------------------------|
| <u>Cosponsors:</u> | <u>Daniel Hemmert</u> | <u>Ralph Okerlund</u> |
| <u>Jacob L. Anderegg</u> | <u>Lyle W. Hillyard</u> | <u>Kathleen Riebe</u> |
| <u>Curtis S. Bramble</u> | <u>David P. Hinkins</u> | <u>Scott D. Sandall</u> |
| <u>Kirk A. Cullimore</u> | <u>Don L. Ipson</u> | <u>Evan J. Vickers</u> |
| <u>Luz Escamilla</u> | <u>Derek L. Kitchen</u> | <u>Todd Weiler</u> |
| <u>Lincoln Fillmore</u> | <u>Daniel McCay</u> | <u>Ronald Winterton</u> |
| <u>Keith Grover</u> | <u>Ann Millner</u> | |

LONG TITLE

General Description:

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

Highlighted Provisions:

SB0102S01 compared with SB0102

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~~

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

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

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

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

~~[(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;]~~

SB0102S01 compared with SB0102

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

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

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

~~[(g) human smuggling;]~~

(1) An individual is guilty of bigamy if:

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

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

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

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

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

(a) under fraudulent or false pretenses; or

(b) by threat or coercion.

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

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

as described in Subsection (1); and

(b) ~~{during or}~~ in furtherance of the conduct described in Subsection (4)(a), commits

~~{an}~~ a felony offense in violation of one or more of the following:

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

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

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

~~{~~ ~~(iv) Chapter 8, Part 12, Public Assistance Fraud;~~

~~}~~ ~~{v}~~ ~~iv~~ Section 76-5-109, child abuse--child abandonment;

~~{vi}~~ ~~v~~ Section 76-5-111, abuse, neglect, or exploitation of a vulnerable adult;

~~{vii}~~ ~~vi~~ Section 76-5-209, child abuse homicide;

~~{viii}~~ ~~vii~~ Section 76-9-702.1, sexual battery;

~~{ix}~~ ~~viii~~ Section 76-7-201, criminal nonsupport; or

~~{x}~~ ~~ix~~ Title 77, Chapter 36, Cohabitant Abuse Procedures Act~~{, if the offense is a~~
felony~~}~~.

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

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

SB0102S01 compared with SB0102

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

~~[(c) the accused is a minor who left a bigamous relationship as defined in Subsection (1); or]~~

~~[(d) the accused has taken steps to protect the safety and welfare of any minor child of a bigamous relationship.]~~

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

~~[(c)]~~ (b) the [accused] individual is a minor who [left a bigamous relationship as defined] the individual entered the practice of bigamy, as described in Subsection (1), as a minor and ceased the practice of bigamy at any time after the individual entered the practice of bigamy; or

(c) law enforcement discovers that the individual practices bigamy, as described in Subsection (1); or

~~[(d)]~~ (c) , as a result of the [accused] individual has taken steps] individual's efforts to protect the safety and welfare of [any minor [child of a bigamous relationship] engaged in or likely to become engaged in the practice of bigamy.

~~Section 2. Repealer:~~

~~This bill repeals:~~

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

~~Section 30-1-2.2, Validation of interracial marriages.~~

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

~~]another individual.~~