

BIGAMY OFFENSE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael E. Noel

Senate Sponsor: Kevin T. Van Tassell

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:

None

Utah Code Sections Affected:

AMENDS:

76-7-101, as last amended by Laws of Utah 1997, Chapter 296

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) Bigamy is a second degree felony if the accused is also convicted during the same

30 prosecution of the following:

31 (a) inducing marriage or bigamy under false pretenses;

32 (b) fraud;

33 (c) domestic abuse;

34 (d) child abuse;

35 (e) sexual abuse;

36 (f) human trafficking; or

37 (g) human smuggling.

38 [~~(3)~~] (4) It [~~shall be~~] is a defense to bigamy that:

39 (a) the accused reasonably believed [~~he~~] the accused and the other person were legally

40 eligible to [~~remarry:~~] marry;

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

42 a bigamous relationship as defined in Subsection (1);

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

44 (1); or

45 (d) the accused has taken steps to protect the safety and welfare of any minor child of a

46 bigamous relationship.

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

48 **76-7-101.5. Child bigamy -- Penalty.**

49 (1) An actor 18 years of age or older is guilty of child bigamy when, knowing he or she

50 has a wife or husband, or knowing that a person under 18 years of age has a wife or husband,

51 the actor carries out the following with the person who is under 18 years of age:

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

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

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