

Regular Session, 2014

SENATE BILL NO. 160

BY SENATOR MURRAY

CRIME/PUNISHMENT. Provides for same-sex unions taking place out-of-state and the crime of bigamy in Louisiana. (8/1/14)

1 AN ACT

2 To amend and reenact R.S. 14:76 and 77, relative to sex offenses affecting the family; to
3 provide relative to the crimes of bigamy and abetting in bigamy; to include same-sex
4 marriages in the definitions of bigamy and abetting bigamy; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:76 and 77 are hereby amended and reenacted to read as follows:

8 §76. Bigamy

9 A. Bigamy is the marriage to another person by a person already married and
10 having a husband or wife living~~;~~ or the habitual cohabitation, in this state, with such
11 second husband or wife, regardless of the place where the marriage was celebrated
12 **and regardless of whether the second spouse of the person is of the same sex or**
13 **the opposite sex.**

14 B. The provisions of this ~~article~~ **Section** shall not ~~extend~~ **apply**:

15 (1) To any person whose former husband or wife has been absent, at the time
16 of the second marriage, for five successive years without being known to such
17 person, within that time, to be living~~;~~~~or.~~

1 (2) To any person whose former marriage has been annulled or dissolved at
2 the time of the second marriage, by the judgment of a competent court;~~or,~~

3 (3) To any person who has, at the time of the second marriage, a reasonable
4 and honest belief that his or her former husband or wife is dead, or that a valid
5 divorce or annulment has been secured, or that his or her former marriage was
6 invalid.

7 C. Whoever commits the crime of bigamy shall be fined not more than one
8 thousand dollars, or imprisoned, with or without hard labor, for not more than five
9 years, or both.

10 §77. Abetting in bigamy

11 A. Abetting in bigamy is the marriage of an unmarried person to the husband
12 or wife of another, with knowledge of the fact that the party is married and without
13 a reasonable and honest belief that such party is divorced or his marriage annulled,
14 or that the party's husband or wife is dead, **and regardless of whether the**
15 **unmarried person is of the same sex or the opposite sex as the married party.**

16 B. Whoever commits the crime of abetting in bigamy shall be fined not more
17 than one thousand dollars, or imprisoned, with or without hard labor, for not more
18 than five years, or both.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

Murray (SB 160)

Present law defines the crime of bigamy as the marriage to another person by a person already married and having a husband or wife living, or the habitual cohabitation, in this state, with such second husband or wife, regardless of the place where the marriage was celebrated. Present law further provides certain exceptions of present law. Present law further provides penalties for the crime of bigamy.

Proposed law retains present law and adds that the crime of bigamy is committed regardless of whether the second spouse of the married person is of the same sex or the opposite sex.

Present law defines the crime of abetting in bigamy as the marriage of an unmarried person to the husband or wife of another, with knowledge of the fact that the party is married and without a reasonable and honest belief that such party is divorced or his marriage annulled, or that the party's husband or wife is dead. Present law further provides penalties for the crime of abetting bigamy.

Proposed law retains present law and adds that the crime of abetting bigamy is committed regardless of whether the unmarried person is of the same sex or the opposite sex as the married party.

Effective August 1, 2014.

(Amends R.S. 14:76 and 77)