

9.06
Issues In Bigamy

To sustain the charge of bigamy, the State must prove the following propositions:

First Proposition: That the defendant married ____ [and thereafter cohabited with [(him) (her)] in this State]; and

Second Proposition: That at the time of [(his) (her)] marriage to ____, the defendant was married to ____;

and

Third Proposition: That the defendant's prior marriage was not dissolved or declared invalid by court judgment.

[or]

Third Proposition: That the defendant did not reasonably believe that [(his) (her)] prior [(husband) (wife)] was dead.

[or]

Third Proposition: That the defendant's prior [(husband) (wife)] had not been continually absent for a period of 5 years during which time the defendant did not know the prior [(husband) (wife)] to be alive.

[or]

Third Proposition: That the defendant did not reasonably believe that [(he) (she)] was legally eligible to remarry.

If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of the propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

Committee Note

720 ILCS 5/11-12 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §11-12 (1991)).

Give Instruction 9.05.

The Third Proposition presents alternative defenses. Give one or more of these alternatives when the issue is raised by the evidence. See Chapter 720, Section 3-2 and the Introduction to

Chapter 24-25.00. If more than one is used they should be stated in the conjunctive because the State must overcome every defense.

Use applicable paragraphs and bracketed material.

When accountability is an issue, ordinarily insert the phrase “or one for whose conduct he is legally responsible” after the word “defendant” in each proposition. See Instruction 5.03.