

**9.08**  
**Issues In Marrying A Bigamist**

To sustain the charge of marrying a bigamist, 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 defendant then knew that \_\_\_\_ was then married to another person[; and

*Third Proposition:* That \_\_\_\_'s prior marriage was not dissolved or declared invalid by court judgment

[or]

*Third Proposition:* That the defendant did not reasonably believe that \_\_\_\_'s prior [ (husband) (wife) ] was dead

[or]

*Third Proposition:* That \_\_\_\_'s prior [ (husband) (wife) ] had not been continually absent for a period of five years, during which time the defendant did not know [ (he) (she) ] was alive

[or]

*Third Proposition:* That the defendant did not reasonably believe that \_\_\_\_ 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 these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

**Committee Note**

720 ILCS 5/11-12(b) and 11-13 (West, 1999) (formerly Ill.Rev.Stat. ch. 38, §§11-12(b) and 11-13 (1991)).

Give Instruction 9.07.

See Instruction 9.07A.

The Third Proposition presents alternative defenses. Give one or more of these alternatives if 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 alternative is used they should be stated in the conjunctive because the

State must overcome every defense.

Use applicable paragraphs and bracketed material