

**9.07A**  
**Affirmative Defenses To Marrying A Bigamist**

It is a defense to the charge of marrying a bigamist that at the time of the marriage [1] the prior marriage of the other person was dissolved or declared invalid by court judgment.

[or]

[2] the defendant reasonably believed the prior [ (husband) (wife) ] of the other person to be dead.

[or]

[3] the other person's prior [ (husband) (wife) ] had been continually absent for a period of five years, during which time the defendant did not know that the other person's prior [ (husband) (wife) ] was alive.

[or]

[4] the defendant reasonably believed that the other person was legally eligible to remarry.

**Committee Note**

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

Give this instruction only when the issue is raised by the evidence. See Chapter 720, Section 3-2 and the Introduction to Chapter 24-25.00.

The word “judgment,” as used in paragraph [1], is defined in Supreme Court Rule 2(b)(2).

Use applicable paragraphs and bracketed material.

The bracketed numbers are present solely for the guidance of court and counsel and should not be included in the instructions submitted to the jury.