

9.05B
Affirmative Defenses To Bigamy

It is a defense to a charge of bigamy that, at the time of the marriage charged in the [(indictment) (information)],
[1] the defendant's prior marriage was dissolved or declared invalid by court judgment.

[or]

[2] the defendant reasonably believed [(his) (her)] prior [(husband) (wife)] to be dead.

[or]

[3] the prior [(husband) (wife)] had been continually absent for a period of five years, during which time the defendant did not know the prior [(husband) (wife)] to be alive.

[or]

[4] the defendant reasonably believed that [(he) (she)] was legally eligible to remarry.

Committee Note

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