

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.

[or]

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

[or]

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

[or]

[4] the defendant reasonably believed that [(he) (she)] or the person he or she marries, was legally eligible to be married.

Committee Note

720 ILCS 5/11-45 (West 2023).

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.