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HOUSE BILL 1939

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By Representatives Murray, McDermott, Cody, Upthegrove, Romero, Darneille, Moeller, Santos, Ruderman, Hunt, Edwards, Kenney and Dickerson

Read first time 02/17/2003. Referred to Committee on Juvenile Justice & Family Law.

1 AN ACT Relating to civil unions; amending RCW 26.04.020, 26.12.220,  
2 36.18.010, 43.70.150, 43.70.160, 70.58.005, 70.58.104, 70.58.107, and  
3 9A.64.010; adding a new chapter to Title 26 RCW; and prescribing  
4 penalties.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The definitions in this section apply  
7 throughout this chapter unless the context clearly requires otherwise.

8 (1) "Certificate of civil union" means a document that certifies  
9 that the persons named in the certificate have established a civil  
10 union in this state in compliance with this chapter.

11 (2) "Civil union" means that two eligible persons have established  
12 a legal relationship pursuant to this chapter, and may receive the  
13 benefits and protections and be subject to the obligations and  
14 responsibilities of spouses.

15 (3) "Marriage" means marriage as defined in RCW 26.04.010.

16 (4) "Party to a civil union" or "partner in a civil union" means a  
17 person who has established a civil union pursuant to this chapter.

1        NEW SECTION.    **Sec. 2.**    (1) Parties to a civil union must satisfy  
2 the following criteria in order to establish a civil union:

3        (a) Neither party may be a party to another civil union or a  
4 marriage;

5        (b) The parties to the civil union must be of the same sex and  
6 therefore excluded from the marriage laws of this state;

7        (c) The parties may not be nearer of kin to each other than second  
8 cousins, whether of the whole or half blood;

9        (d) Both parties must be eighteen years of age or older; and

10       (e) Both parties must be capable of consenting to the civil union.

11       (2) A civil union that violates subsection (1)(a), (b), or (c) of  
12 this section is void.

13       (3) When either party to a civil union is incapable of consenting  
14 to the civil union, for lack of legal age or a sufficient  
15 understanding, or when the consent of either party is obtained by force  
16 or fraud, the civil union is voidable, but only at the suit of the  
17 party who lacked capacity to consent, or upon whom the force or fraud  
18 was imposed.

19       NEW SECTION.    **Sec. 3.**    (1) It is unlawful for a woman to enter a  
20 civil union with her father's sister, mother's sister, daughter,  
21 sister, son's daughter, daughter's daughter, brother's daughter, or  
22 sister's daughter. It is unlawful for a man to enter a civil union  
23 with his father's brother, mother's brother, son, brother, son's son,  
24 daughter's son, brother's son, or sister's son.

25       (2) A civil union between two persons that is recognized as valid  
26 in another jurisdiction is valid in this state only if the civil union  
27 is not prohibited under section 2(1) (a) or (b) of this act or made  
28 unlawful under this section.

29       NEW SECTION.    **Sec. 4.**    (1) Parties to a civil union have all the  
30 same benefits, protections, obligations, and responsibilities under  
31 law, whether they derive from statute, administrative or court rule,  
32 policy, common law, or any other source of civil law, as are granted to  
33 spouses in a marriage.

34       (2) A party to a civil union shall be included in any definition or  
35 use of the terms "spouse," "family," "immediate family," "dependent,"

1 "next of kin," and other terms that denote the spousal relationship, as  
2 those terms are used throughout the law.

3 (3) Parties to a civil union are responsible for the support of one  
4 another to the same degree and in the same manner as prescribed under  
5 law for married persons.

6 (4) The law of domestic relations, including community property,  
7 separation and dissolution, child custody and support, property  
8 division, and maintenance apply to parties to a civil union.

9 (5) Parties to a civil union may modify the terms, conditions, or  
10 effects of their civil union in the same manner and to the same extent  
11 as married persons who execute an agreement recognized and enforceable  
12 under the law, setting forth particular understandings with respect to  
13 their union.

14 (6) The rights of parties to a civil union, with respect to a child  
15 of whom either party becomes the natural parent during the term of the  
16 civil union, is the same as those of a married couple, with respect to  
17 a child of whom either spouse becomes the natural parent during the  
18 marriage.

19 NEW SECTION. **Sec. 5.** The family court has jurisdiction over all  
20 proceedings relating to the dissolution of civil unions. The  
21 dissolution of civil unions shall follow the same procedures and are  
22 subject to the same substantive rights and obligations that are  
23 involved in the dissolution of marriage in accordance with chapter  
24 26.09 RCW, including child support, parenting plans, property division,  
25 and maintenance.

26 NEW SECTION. **Sec. 6.** The following named officers and persons,  
27 active or retired, are hereby authorized to certify civil unions:  
28 Justices of the supreme court, judges of the court of appeals, judges  
29 of the superior courts, superior court commissioners, any regularly  
30 licensed or ordained minister or any priest of any church or religious  
31 denomination, and judges of courts of limited jurisdiction as defined  
32 in RCW 3.02.010.

33 NEW SECTION. **Sec. 7.** A civil union certified by any person who  
34 falsely professes to be a judicial officer or a minister or priest of  
35 any religious denomination in this state or who falsely professes to be

1 an authorized officer thereof, is valid if the civil union is otherwise  
2 valid and was entered into with a belief on the part of either party  
3 that he or she has been lawfully joined in a civil union.

4 NEW SECTION. **Sec. 8.** In the certification of a civil union no  
5 particular form is required, except that the parties shall assent or  
6 declare in the presence of the minister, priest, or judicial officer  
7 who is certifying the civil union, and in the presence of at least two  
8 attending witnesses, that they take each other to be joined in a civil  
9 union.

10 NEW SECTION. **Sec. 9.** The person certifying a civil union shall  
11 give to each of the parties, if required, a certificate specifying the  
12 names and residence of the parties, and of at least two witnesses  
13 present, the time and place of the civil union, the date of the  
14 certification, and by whom issued.

15 NEW SECTION. **Sec. 10.** A person certifying a civil union shall,  
16 within thirty days thereafter, make and deliver to the county auditor  
17 of the county wherein the license was issued a certificate for the  
18 files of the county auditor, and a certificate for the files of the  
19 state registrar of vital statistics. The certificate for the files of  
20 the county auditor shall be substantially as follows:

21 STATE OF WASHINGTON }  
22 }  
23 COUNTY OF ..... }

24 This is to certify that the undersigned, a . . . . ., by  
25 authority of a license bearing date the . . . . day of . . . . .  
26 A.D., 20. . ., and issued by the county auditor of the county of . . .  
27 . . ., did, on the . . . . day of . . . . . A.D., 20. . ., at . . .  
28 . . . in this county and state, join in a lawful civil union A.B. of  
29 the county of . . . . ., state of . . . . . and C.D. of the county  
30 of . . . . ., state of . . . . ., with their mutual assent, in the  
31 presence of F H and E G, witnesses.

32 In Testimony Whereof, witness the signatures of the parties to the  
33 ceremony, the witnesses and myself, this . . . . day of . . . . .,  
34 A.D., 20. . .

1 The certificate form for the files of the state registrar of vital  
2 statistics shall be the Washington department of health marriage  
3 certificate form. The certificate forms for the files of the county  
4 auditor and for the files of the state registrar of vital statistics  
5 shall be provided by the state registrar of vital statistics.

6 Any person certifying a civil union, who willfully refuses or  
7 neglects to make and deliver the certificates to the county auditor for  
8 record within the time specified is guilty of a misdemeanor, and upon  
9 conviction shall pay a fine of not less than twenty-five nor more than  
10 three hundred dollars.

11 NEW SECTION. **Sec. 11.** The county auditor shall file the  
12 certificates and record them or bind them into numbered volumes, and  
13 note on the original index to the license issued the volume and page  
14 where the certificate is recorded or bound. The county auditor shall  
15 enter the date of filing and his or her name on the certificates for  
16 the files of the state registrar of vital statistics, and transmit, by  
17 the tenth day of each month, all certificates filed with him or her  
18 during the preceding month.

19 NEW SECTION. **Sec. 12.** (1) Before any persons may enter into a  
20 civil union, they must obtain a civil union license from the county  
21 auditor, upon payment of a civil union license fee as fixed in RCW  
22 36.18.010.

23 A person may secure by mail an application for a civil union  
24 license from the county auditor of the county where the person intends  
25 to enter into a civil union, and execute and acknowledge the  
26 application before a notary public.

27 Application for a civil union license must be made and filed with  
28 the appropriate county auditor upon blanks to be provided by the county  
29 auditor for that purpose. The application shall be under the oath of  
30 each of the applicants, and each application shall state the name,  
31 address at the time of execution of application, age, social security  
32 number, birthplace, whether single, widowed, or divorced, whether under  
33 the control of a guardian, and residence during the past six months.  
34 Each county may require such other information on the application as it  
35 deems necessary.

1 (2) The county legislative authority may impose an additional fee  
2 up to fifteen dollars on a civil union license for the purpose of  
3 funding family services such as family support centers.

4 NEW SECTION. **Sec. 13.** In addition to the application provided for  
5 in section 12 of this act, the county auditor for the county wherein  
6 the license is issued shall submit to each applicant at the time of  
7 application for a license the Washington state department of health  
8 civil union certificate form to be completed by the applicants and  
9 returned to the county auditor for the files of the state registrar of  
10 vital statistics. After the execution of the application for, and the  
11 issuance of a license, no county shall require the persons authorized  
12 to certify civil unions to obtain any further information from the  
13 persons entering into the civil union except the names and county of  
14 residence of the parties.

15 NEW SECTION. **Sec. 14.** The county auditor may issue the civil  
16 union license at the time of application, but shall issue the license  
17 no later than the third full day following the date of the application.  
18 A civil union license issued according to the provisions of this  
19 chapter may not be used until three days after the date of application  
20 and becomes void if the civil union is not certified within sixty days  
21 of the date of the issuance of the license. The county auditor shall  
22 notify the applicant in writing of this requirement at the time of  
23 issuance of the license.

24 NEW SECTION. **Sec. 15.** A county auditor is authorized to refuse to  
25 issue a license to enter into a civil union if the applications  
26 executed by the parties or information coming to the county auditor's  
27 knowledge as a result of the execution of the applications justifies  
28 the refusal. A party who is denied a license may appeal to the  
29 superior court of the county for an order to show cause, directed to  
30 the county auditor, to appear before the court to show why the court  
31 should not grant an order to issue a license to the denied party.  
32 After a hearing, or if the auditor fails to appear, the court may in  
33 its discretion issue an order to the auditor directing him or her to  
34 issue the license. Hearings held by a superior court may, in the  
35 discretion of the court, be held in chambers.

1        NEW SECTION.    **Sec. 16.**    (1) Civil union license applications shall  
2 be open to public inspection as a part of the records of the office of  
3 the county auditor.

4        (2) The county auditor may preserve copies of civil union license  
5 applications submitted and civil union licenses issued under this  
6 chapter in the same manner as authorized for the recording of  
7 instruments under RCW 65.04.040.

8        (3) If a program participant under chapter 40.24 RCW notifies the  
9 appropriate county auditor as required under rules adopted by the  
10 secretary of state, the county auditor shall not make available for  
11 inspection or copying the name and address of a program participant  
12 contained in civil union license applications and records filed under  
13 chapter 26.04 RCW, except under the following circumstances:

14        (a) If requested by a law enforcement agency, to the law  
15 enforcement agency; and

16        (b) If directed by a court order, to a person identified in the  
17 order.

18        NEW SECTION.    **Sec. 17.**    Any person intentionally violating any  
19 provision of sections 13 through 16 of this act is guilty of a  
20 misdemeanor.

21        NEW SECTION.    **Sec. 18.**    (1) The county auditor, before a civil  
22 union license is issued, shall require each applicant to make and file  
23 in the auditor's office upon blanks to be provided by the county for  
24 that purpose, an affidavit showing that, if an applicant has a  
25 contagious sexually transmitted disease, the condition is known to both  
26 applicants. In addition, the affidavit shall state that the applicants  
27 are each eighteen years of age or older. If written consent is  
28 obtained of the father, mother, or legal guardian of the person for  
29 whom the license is required, the license may be granted in cases where  
30 a party has attained the age of seventeen years. The affidavit may be  
31 subscribed and sworn to before any person authorized to administer  
32 oaths. Anyone knowingly swearing falsely to any of the statements  
33 contained in the affidavit is guilty of perjury.

34        (2) The affidavit form shall be designed to require a statement  
35 that no contagious sexually transmitted disease is present or that the

1 condition is known to both applicants, without requiring the applicants  
2 to state whether or not either or both of them has a sexually  
3 transmitted disease.

4 (3) A person who knowingly violates any of the provisions of this  
5 section shall, upon conviction, be punished by a fine of not more than  
6 one thousand dollars, or by imprisonment in a state correctional  
7 facility for a period of not more than three years, or by both such  
8 fine and imprisonment.

9 NEW SECTION. **Sec. 19.** The county auditor who issues the civil  
10 union license, before delivering it, shall enter in the civil union  
11 record a memorandum of the names of the parties, the consent of the  
12 parents or guardian, if required, and the name of the affiant and the  
13 substance of the affidavit upon which the license issued, and the date  
14 of the license.

15 NEW SECTION. **Sec. 20.** A person who undertakes to certify civil  
16 unions knowing that he or she is not lawfully authorized to do so, or  
17 a person who is authorized to certify civil unions, who does so  
18 contrary to the provisions of this chapter, shall, upon conviction, be  
19 punished by a fine of not more than five hundred nor less than one  
20 hundred dollars.

21 NEW SECTION. **Sec. 21.** Every person who certifies a civil union  
22 when the person knows that either party to the civil union is under the  
23 age of legal consent or that there is a legal impediment to entering  
24 the civil union is guilty of a gross misdemeanor.

25 **Sec. 22.** RCW 26.04.020 and 1998 c 1 s 4 are each amended to read  
26 as follows:

- 27 (1) Marriages in the following cases are prohibited:  
28 (a) When either party thereto has a wife (~~(or)~~), husband, or civil  
29 union partner living at the time of such marriage;  
30 (b) When the husband and wife are nearer of kin to each other than  
31 second cousins, whether of the whole or half blood computing by the  
32 rules of the civil law; or  
33 (c) When the parties are persons other than a male and a female.



1 (2) It is unlawful for any man to marry his father's sister,  
2 mother's sister, daughter, sister, son's daughter, daughter's daughter,  
3 brother's daughter or sister's daughter; it is unlawful for any woman  
4 to marry her father's brother, mother's brother, son, brother, son's  
5 son, daughter's son, brother's son or sister's son.

6 (3) A marriage between two persons that is recognized as valid in  
7 another jurisdiction is valid in this state only if the marriage is not  
8 prohibited or made unlawful under subsection (1)(a), (1)(c), or (2) of  
9 this section.

10 **Sec. 23.** RCW 26.12.220 and 1994 c 267 s 4 are each amended to read  
11 as follows:

12 (1) The legislative authority of any county may authorize family  
13 court services as provided in RCW 26.12.230. The legislative authority  
14 may impose a fee in excess of that prescribed in RCW 36.18.010 for the  
15 issuance of a marriage license or civil union license. The fee shall  
16 not exceed eight dollars.

17 (2) In addition to any other funds used therefor, the governing  
18 body of any county shall use the proceeds from the fee increase  
19 authorized by this section to pay the expenses of the family court and  
20 the family court services under chapter 26.12 RCW. If there is no  
21 family court in the county, the legislative authority may provide such  
22 services through other county agencies or may contract with a public or  
23 private agency or person to provide such services. Family court  
24 services also may be provided jointly with other counties as provided  
25 in RCW 26.12.230.

26 (3) The family court services program may hire professional  
27 employees to provide the investigation, evaluation and reporting, and  
28 mediation services, or the county may contract for these services, or  
29 both. To facilitate and promote the purposes of this chapter, the  
30 court may order or recommend the aid of physicians, psychiatrists, or  
31 other specialists.

32 (4) The family court services program may provide or contract for:  
33 (a) Mediation; (b) investigation, evaluation, and reporting to the  
34 court; and (c) reconciliation; and may provide a referral mechanism for  
35 drug and alcohol testing, monitoring, and treatment; and any other  
36 treatment, parenting, or anger management programs the family court  
37 professional considers necessary or appropriate.

1 (5) Services other than family court investigation, evaluation,  
2 reconciliation, and mediation services shall be at the expense of the  
3 parties involved absent a court order to the contrary. The parties  
4 shall bear all or a portion of the cost of parenting seminars and  
5 family court investigation, evaluation, reconciliation, and mediation  
6 services according to the parties' ability to pay.

7 (6) The county legislative authority may establish rules of  
8 eligibility for the family court services funded under this section.  
9 The rules shall not conflict with rules of the court adopted under  
10 chapter 26.12 RCW or any other statute.

11 (7) The legislative authority may establish fees for family court  
12 investigation, evaluation, reconciliation, and mediation services under  
13 this chapter according to the parties' ability to pay for the services.  
14 Fees collected under this section shall be collected and deposited in  
15 the same manner as other county funds are collected and deposited, and  
16 shall be maintained in a separate account to be used as provided in  
17 this section.

18 **Sec. 24.** RCW 36.18.010 and 2002 c 294 s 3 are each amended to read  
19 as follows:

20 County auditors or recording officers shall collect the following  
21 fees for their official services:

22 For recording instruments, for the first page eight and one-half by  
23 fourteen inches or less, five dollars; for each additional page eight  
24 and one-half by fourteen inches or less, one dollar. The fee for  
25 recording multiple transactions contained in one instrument will be  
26 calculated for each transaction requiring separate indexing as required  
27 under RCW 65.04.050 as follows: The fee for each title or transaction  
28 is the same fee as the first page of any additional recorded document;  
29 the fee for additional pages is the same fee as for any additional  
30 pages for any recorded document; the fee for the additional pages may  
31 be collected only once and may not be collected for each title or  
32 transaction;

33 For preparing and certifying copies, for the first page eight and  
34 one-half by fourteen inches or less, three dollars; for each additional  
35 page eight and one-half by fourteen inches or less, one dollar;

36 For preparing noncertified copies, for each page eight and one-half  
37 by fourteen inches or less, one dollar;

1 For administering an oath or taking an affidavit, with or without  
2 seal, two dollars;

3 For issuing a marriage license or civil union license, eight  
4 dollars, (this fee includes taking necessary affidavits, filing  
5 returns, indexing, and transmittal of a record of the marriage or civil  
6 union to the state registrar of vital statistics) plus an additional  
7 five-dollar fee for use and support of the prevention of child abuse  
8 and neglect activities to be transmitted monthly to the state treasurer  
9 and deposited in the state general fund plus an additional ten-dollar  
10 fee to be transmitted monthly to the state treasurer and deposited in  
11 the state general fund. The legislature intends to appropriate an  
12 amount at least equal to the revenue generated by this fee for the  
13 purposes of the displaced homemaker act, chapter 28B.04 RCW;

14 For searching records per hour, eight dollars;

15 For recording plats, fifty cents for each lot except cemetery plats  
16 for which the charge shall be twenty-five cents per lot; also one  
17 dollar for each acknowledgment, dedication, and description: PROVIDED,  
18 That there shall be a minimum fee of twenty-five dollars per plat;

19 For recording of miscellaneous records not listed above, for the  
20 first page eight and one-half by fourteen inches or less, five dollars;  
21 for each additional page eight and one-half by fourteen inches or less,  
22 one dollar;

23 For modernization and improvement of the recording and indexing  
24 system, a surcharge as provided in RCW 36.22.170.

25 For recording an emergency nonstandard document as provided in RCW  
26 65.04.047, fifty dollars, in addition to all other applicable recording  
27 fees.

28 For recording instruments, a surcharge as provided in RCW  
29 36.22.178.

30 **Sec. 25.** RCW 43.70.150 and 1989 1st ex.s. c 9 s 254 are each  
31 amended to read as follows:

32 The secretary of health shall have charge of the state system of  
33 registration of births, deaths, fetal deaths, marriages, civil unions,  
34 and decrees of divorce, annulment and separate maintenance, and shall  
35 prepare the necessary rules, forms, and blanks for obtaining records,  
36 and insure the faithful registration thereof.

1       **Sec. 26.** RCW 43.70.160 and 1989 1st ex.s. c 9 s 255 are each  
2 amended to read as follows:

3       The state registrar of vital statistics shall prepare, print, and  
4 supply to all registrars all blanks and forms used in registering,  
5 recording, and preserving the returns, or in otherwise carrying out the  
6 purposes of Title 70 RCW; and shall prepare and issue such detailed  
7 instructions as may be required to secure the uniform observance of its  
8 provisions and the maintenance of a perfect system of registration. No  
9 other blanks shall be used than those supplied by the state registrar.  
10 The state registrar shall carefully examine the certificates received  
11 monthly from the local registrars, county auditors, and clerks of the  
12 court and, if any are incomplete or unsatisfactory, the state registrar  
13 shall require such further information to be furnished as may be  
14 necessary to make the record complete and satisfactory, and shall cause  
15 such further information to be incorporated in or attached to and filed  
16 with the certificate. The state registrar shall furnish, arrange,  
17 bind, and make a permanent record of the certificate in a systematic  
18 manner, and shall prepare and maintain a comprehensive index of all  
19 births, deaths, fetal deaths, marriages, civil unions, and decrees of  
20 divorce, annulment and separate maintenance registered.

21       **Sec. 27.** RCW 70.58.005 and 1991 c 3 s 342 are each amended to read  
22 as follows:

23       Unless the context clearly requires otherwise, the definitions in  
24 this section apply throughout this chapter.

25       (1) "Department" means the department of health.

26       (2) "Vital records" means records of birth, death, fetal death,  
27 marriage, civil union, dissolution, annulment, and legal separation, as  
28 maintained under the supervision of the state registrar of vital  
29 statistics.

30       **Sec. 28.** RCW 70.58.104 and 1991 c 96 s 4 are each amended to read  
31 as follows:

32       (1) The state registrar may prepare typewritten, photographic,  
33 electronic, or other reproductions of records of birth, death, fetal  
34 death, marriage, civil union, or decrees of divorce, annulment, or  
35 legal separation registered under law or that portion of the record of  
36 any birth which shows the child's full name, sex, date of birth, and

1 date of filing of the certificate. Such reproductions, when certified  
2 by the state registrar, shall be considered for all purposes the same  
3 as the original and shall be prima facie evidence of the facts stated  
4 therein.

5 (2) The department may authorize by regulation the disclosure of  
6 information contained in vital records for research purposes. All  
7 research proposals must be submitted to the department and must be  
8 reviewed and approved as to scientific merit and to ensure that  
9 confidentiality safeguards are provided in accordance with department  
10 policy.

11 (3) Local registrars may, upon request, furnish certified copies of  
12 the records of birth, death, and fetal death, subject to all provisions  
13 of state law applicable to the state registrar.

14 **Sec. 29.** RCW 70.58.107 and 1997 c 223 s 1 are each amended to read  
15 as follows:

16 The department of health shall charge a fee of thirteen dollars for  
17 certified copies of records and for copies or information provided for  
18 research, statistical, or administrative purposes, and eight dollars  
19 for a search of the files or records when no copy is made. The  
20 department shall prescribe by regulation fees to be paid for preparing  
21 sealed files and for opening sealed files.

22 No fee may be demanded or required for furnishing certified copies  
23 of a birth, death, fetal death, marriage, civil union, divorce,  
24 annulment, or legal separation record for use in connection with a  
25 claim for compensation or pension pending before the veterans  
26 administration.

27 The department shall keep a true and correct account of all fees  
28 received and turn the fees over to the state treasurer on a weekly  
29 basis.

30 Local registrars shall charge the same fees as the state as  
31 hereinabove provided and as prescribed by department regulation, except  
32 that local registrars shall charge thirteen dollars for the first copy  
33 of a death certificate and eight dollars for each additional copy of  
34 the same death certificate when the additional copies are ordered at  
35 the same time as the first copy. All such fees collected, except for  
36 five dollars of each fee for the issuance of a certified copy, shall be  
37 paid to the jurisdictional health department.

1 All local registrars in cities and counties shall keep a true and  
2 correct account of all fees received under this section for the  
3 issuance of certified copies and shall turn five dollars of the fee  
4 over to the state treasurer on or before the first day of January,  
5 April, July, and October.

6 Five dollars of each fee imposed for the issuance of certified  
7 copies, except for copies suitable for display issued under RCW  
8 70.58.085, at both the state and local levels shall be held by the  
9 state treasurer in the death investigations' account established by RCW  
10 43.79.445.

11 **Sec. 30.** RCW 9A.64.010 and 1986 c 257 s 14 are each amended to  
12 read as follows:

13 (1) A person is guilty of bigamy if he or she:

14 (a) Intentionally marries or purports to marry another person when  
15 either person has a living spouse; or

16 (b) Intentionally enters into a civil union or purports to enter  
17 into a civil union when either person has a living civil union partner.

18 (2) In any prosecution under this section, it is a defense that at  
19 the time of the subsequent marriage or civil union or purported  
20 marriage or civil union:

21 (a) The actor reasonably believed that the prior spouse or civil  
22 union partner was dead; or

23 (b) A court had entered a judgment purporting to terminate or annul  
24 any prior disqualifying marriage or civil union and the actor did not  
25 know that such judgment was invalid; or

26 (c) The actor reasonably believed that he or she was legally  
27 eligible to marry or enter into a civil union.

28 (3) The limitation imposed by RCW 9A.04.080 on commencing a  
29 prosecution for bigamy does not begin to run until the death of the  
30 prior or subsequent spouse or civil union partner of the actor or until  
31 a court enters a judgment terminating or annulling the prior or  
32 subsequent marriage or civil union.

33 (4) Bigamy is a class C felony.

34 NEW SECTION. **Sec. 31.** Sections 1 through 21 of this act  
35 constitute a new chapter in Title 26 RCW.

--- END ---