

#### **402.990 Penalties.**

- (1) Any party to a marriage prohibited by KRS 402.010 shall be guilty of a Class B misdemeanor. If the parties continue after conviction to cohabit as man and wife, either or both of them shall be guilty of a Class A misdemeanor.
- (2) Any person who aids or abets the marriage of any person who has been adjudged mentally disabled, or attempts to marry, or aids or abets any attempted marriage with any such person shall be guilty of a Class B misdemeanor.
- (3) Any authorized person who knowingly solemnizes a marriage prohibited by this chapter shall be guilty of a Class A misdemeanor.
- (4) Any unauthorized person who solemnizes a marriage under pretense of having authority, and any person who falsely personates the father, mother, or guardian of an applicant in obtaining a license shall be guilty of a Class D felony.
- (5) Any person who falsely and fraudulently represents or personates another, and in such assumed character marries that person, shall be guilty of a Class D felony. Indictment under this subsection shall be found only upon complaint of the injured party and within two (2) years after the commission of the offense.
- (6) Any clerk who knowingly issues a marriage license to any persons prohibited by this chapter from marrying shall be guilty of a Class A misdemeanor and removed from office by the judgment of the court in which he is convicted.
- (7) Any clerk who knowingly issues a marriage license in violation of his duty under this chapter shall be guilty of a Class A misdemeanor.
- (8) If any deputy clerk or any person other than a county clerk knowingly issues a marriage license in violation of this chapter, but not for a prohibited marriage, he shall be guilty of a Class A misdemeanor, and if he knowingly issues a license for a marriage prohibited by this chapter, he shall be guilty of a Class A misdemeanor.
- (9) Any person who violates any of the provisions of KRS 402.090 shall be guilty of a violation.
- (10) Any county clerk who violates any of the provisions of KRS 402.110 or 402.230 shall be guilty of a violation.
- (11) Any person failing to make the return required of him by KRS 402.220 shall be guilty of a violation.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 205, sec. 2, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 463, sec. 45, effective July 14, 1992. -- Amended 1982 Ky. Acts ch. 141, sec. 114, effective July 1, 1982; and ch. 146, sec. 2, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 92, sec. 13, effective June 17, 1978; and ch. 384, sec. 519, effective June 17, 1978. -- Amended 1974 Ky. Acts ch. 273, sec. 2. -- Amended 1972 Ky. Acts ch. 122, sec. 5. -- Amended 1970 Ky. Acts ch. 92, sec. 94. - - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat secs. 216aa-50, 1209, 1210, 2103, 2103a, 2104, 2105a-2c, 2105a-5, 2107, 2109, 2110, 2111, 2112, 2114.

**Note:** 1980 Ky. Acts ch. 396, sec. 125 would have amended this section effective July 1, 1982. However, 1980 Ky. Acts ch. 396 was repealed by 1982 Ky. Acts ch. 141, sec. 146, also effective July 1, 1982.