

HB 3184 -- ADULTERY

SPONSOR: Rush

This bill allows a person to bring a civil cause of action against an individual other than his or her spouse if that individual engaged in adultery with the person's spouse and it can be proven that the individual's conduct caused emotional, financial, or relational harm to the person's marriage. An action can be brought within five years of the adulterous conduct or within two years of discovering the conduct, whichever is later, and the bill provides other exceptions to when a civil action can be brought. The burden of proof is by a preponderance of the evidence, and a prevailing plaintiff can recover damages as specified in the bill.

The bill also creates the offense of adultery, which a person commits if he or she engages in sexual intercourse with a person who is not his or her spouse and the act results in demonstrable emotional, financial, or relational harm to the person's marriage. The offense is a class C misdemeanor for a first offense, a class A misdemeanor for a second offense, and a class E felony for a third or subsequent offense. The bill specifies what types of evidence can be admitted and available affirmative defenses. Upon request, the court can seal the record to protect the privacy of spouses, families, and minor children.