

Bigamy is a felony in Utah. A new bill would change it to an infraction

CNN

Tue February 11, 2020

<https://us.cnn.com/2020/02/11/us/utah-senate-polygamy-bill-trnd/index.html>

Kody Brown, left, from the reality show "Sister Wives," marches during a protest at the Utah state capitol on February 10, 2017.

(CNN) A bill proposed in the Utah Legislature could remove the threat of jail time for polygamists.

New legislation introduced in the Senate would change the offense of bigamy, when two

people marry while at least one of them is already legally married, from a felony to an infraction.

Bigamy is currently a third-degree felony in Utah, punishable by up to five years in prison and up to a \$5,000 fine. Making it an infraction would put it on par with getting a traffic ticket. Polygamy has been practiced in Utah by certain religious groups since before it became a state and continues to persist to this day. Though the practice has long been illegal under state and federal law, the Utah attorney general's office has declined to prosecute the offense of bigamy except when it's committed along with other crimes.

The bill was unanimously approved on Monday by a state Senate committee and will now move to the Senate.

Bill's sponsor says current law enables abuse

Republican state Sen. Deidre Henderson, the bill's lead sponsor, called Utah's current law unenforceable, saying that it doesn't prevent people from engaging in polygamy but instead isolates polygamous communities and prevents from potential victims from reporting abuse.

"Vigorous enforcement of the law during the mid-twentieth century did not deter the practice of plural marriage," she wrote in an email to CNN.

"Instead, these government actions drove polygamous families underground into a shadow society where the vulnerable make easy prey. Branding all polygamists as felons has facilitated abuse, not eliminated polygamy."

The bill increases penalties for those who commit bigamy under false pretenses, by threat or force or along with other serious crimes, such as child abuse or sexual assault.

"We are basically codifying the long-standing practice of the Utah Attorney General's office: don't prosecute otherwise law-abiding polygamists unless other crimes are being committed," Henderson said.



"The intent of the bill is to eliminate the fear of arrest, imprisonment and having children removed into state custody in order to encourage more reporting, make investigating abuse easier, and lower the high barrier to community integration."

The bill has received support from the American Civil Liberties Union of Utah.

Some argue the bill won't protect victims

Some people in Utah's polygamous communities spoke in favor of the bill at a committee hearing on Monday.

Shirlee Draper, a former member of the Fundamentalist Church of Jesus Christ of Latter-day Saints (FLDS), said she decided to leave the polygamous community when leader Warren Jeffs rose to power.

"But it took me six years to leave because I was swept up with the guilt in the way current statute was written," Draper said.

The FLDS is a religious sect that broke away from the Church of Jesus Christ of Latter-day Saints, also known as the Mormon Church, over the practice of polygamy.

But others who had left polygamous communities opposed the bill, arguing that abuse victims would still be afraid to report out of fear from their religious leaders.

"As a child growing up there, I can tell you the only friend I felt like I had was the law," said Ora Barlow, an ex-member of the FLDS church. "When the law did take effect and the leaders were put in prison, I actually felt free. And I know most of my family and my friends and they felt free, from the law having done its job."

Others said the bill would sanction the practice of polygamy, which they argued was inherently oppressive for women.

"To bring it down to an infraction? You're essentially saying this is an OK lifestyle," said Angela Kelly, the director of the Sound Choices Coalition, a non-profit organization opposed to polygamy.