

U.S. Judge upholds request for Salt Lake DA to not enforce Utah's new abortion law

KUTV

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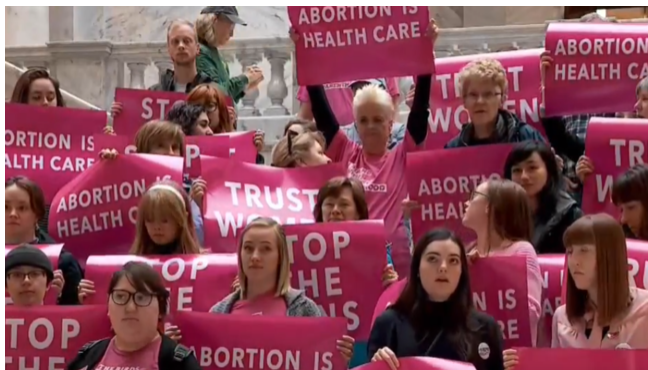
Link: <https://kutv.com/news/local/us-judge-upholds-request-for-sl-county-da-not-to-enforce-utahs-new-abortion-bill>

SALT LAKE CITY — (KUTV) — Salt Lake County will not enforce [Utah's new abortion bill](#) — passed by the Utah Legislature and [signed by Gov. Gary Herbert](#) — unless the courts change opinions on protections of the constitution.

A U.S. district court judge affirmed [the request from Salt Lake County District Attorney Sim Gill](#) and Planned Parenthood that the new law should not be enforced unless higher courts overturn previous decisions. [The law was previously not going to be enforced](#) while awaiting the judge's decision.

"The Court hereby enters an order prohibiting enforcement of HB 136, sections 3, 4, and 5," Judge Clark Waddoups wrote in his decision.

The passed bill would restrict most abortions to to the first 18 weeks of pregnancy, passed this year by the state legislature. As it was debated and passed it was widely believed the bill would face opposition in the courts. Gill released a statement Monday, along with the request. [The ACLU and Planned Parenthood Association of Utah](#) re-iterated that sentiment in a statement to media shortly after Herbert's signing of HB 136 was announced.



A judge has ruled that Salt Lake County will not enforce Utah's new abortion law that would ban most abortions after 18 weeks. (Photo: KUTV)

"The United States Constitution must be carefully adhered to — especially where fundamental rights are at stake," Gill's statement read. "Residents of Salt Lake County deserve, and rightfully expect, that

their fundamental rights will not be compromised by governmental bodies, whether by threat of criminal sanction or otherwise."

His statement said a less restrictive law from Utah was found to be unconstitutional decades ago.

We cannot simply ignore that because the state legislative body hopes for a different interpretation this time around.

County DA Sim Gill joined with Planned Parenthood to request HB 136, that would limit abortions to the first 18 weeks of pregnancy, not be enforced in Salt Lake County. Waddoups'

decision enforces that until, in Gill's view, "Unless and until the United States Supreme Court weighs in with a contrary view of the scope of constitutional protection afforded to women."



Rep. Cheryl Acton (Photo: KUTV)

The initial proposal, House Bill 136, was filed by [Rep. Cheryl Acton, R-West Jordan and sought to ban abortion after 15 weeks gestational age](#). The bill was later amended to 18 weeks, an amount Acton determined was more likely to survive a potential court challenge.

The request from relief, filed by Planned Parenthood Association of Utah, said it believed Gill was not obligated to enforce the law and said it was:

...plainly contrary to binding legal precedent from the Tenth Circuit Court of Appeals, which in 1996 considered and rejected as constitutionally unsound a similar yet less restrict Utah statue.

The bill has exceptions to the 18-week limit in the case that doctors determine a fetus is not viable, that giving birth to child would put a mother at serious risk, and in the case of rape and incest.

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Planned Parenthood Association of Utah vice president of public policy Heather Stringfellow told 2News in March that lawmakers knew the bill was unconstitutional and said Planned Parenthood would file with the courts to keep it from becoming law.

During the legislative session, Sen. Deidre Henderson, a Republican from Utah County, said the bill protects abortion rights while limiting the scope of when the procedure can be performed. Henderson said:

This bill preserves the woman's right to choose to have an abortion for any reason up until 18 weeks I think it sends a message that we here in the state of Utah, value life.

Gill wrote in the petition to the court that "he nor any of his deputies will commence any criminal prosecution in connection with the 18-week ban unless and until the Tenth Circuit or the United States Supreme Court issues an opinion upholding as constitutional the 18-week ban provided for in HB 136.

Legal Challenge to HB136 PR 5.13.19

https://www.scribd.com/document/409849483/Legal-Challenge-to-HB136-PR-5-13-19#from_embed

Court order granted relief from HB 136, Utah's 18-week ban on abortions

https://www.scribd.com/user/274854353/LarryDCurtis#from_embed