



# 2020 LEGISLATIVE AGENDA

**ACLU**

Kentucky

# TABLE OF CONTENTS

## 3 Meet the Team

---

## 4 Legislative Priorities

---

Justice Reform  
Reproductive Freedom  
Juvenile Justice

## 8 Legislative Goals

---

Justice Reform  
Racial Justice  
LGBTQ Equality  
Voting Rights

## 11 Areas of Defense

---

Freedom of Speech  
Immigrants' Rights  
Justice Reform  
LGBTQ Equality  
Reproductive Freedom  
Voting Rights

## 17 Resources

---

### **The American Civil Liberties Union is freedom's watchdog.**

Our team works in courts, the state legislature, city councils, and with grassroots activists to defend the civil rights and liberties guaranteed to all people in Kentucky by the United States and Kentucky Constitutions.

At the state house, the ACLU-KY teams work with legislators to propose new bills, make bills better, and defeat harmful legislation. We also connect legislators with people directly affected by certain policies so lawmakers can learn about the real-life impacts of legislation, from mass incarceration, to racial equity in healthcare, to reproductive freedom.

This guide is a toolkit to help you understand how laws are made and how you can get engaged with the legislative process.

# MEET THE ACLU TEAM

The ACLU-KY advocacy and communications teams are in Frankfort most days during the legislative session.

## ADVOCACY



**Kate Miller**  
Advocacy Director



**Amanda Hall**  
Field Organizer,  
Smart Justice



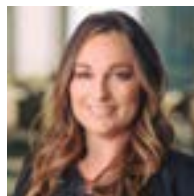
**Keturah Herron**  
Field Organizer,  
Juvenile Justice



**Jackie McGranahan**  
Field Organizer,  
Reproductive Freedom Project



**Francisco Serrano**  
Immigrants' Rights Advocate  
(Contracted for 2020 session)



**Alaina Combs**  
Advocacy Intern,  
Smart Justice



**Kendall Jordan**  
Advocacy Intern  
(Student, UofL Kent School of  
Social Work)



**Erika Pettus**  
Advocacy Intern,  
Smart Justice

## COMMUNICATIONS



**Amber Duke**  
Communications Director



**Samuel Crankshaw**  
Communications Associate

**2020**

**LEGISLATIVE**

**PRIORITIES**

**Legislative priorities are bills that the ACLU of Kentucky is working to pass during the 2020 legislative session.**

# LEGISLATIVE PRIORITIES

The ACLU of Kentucky is supporting legislation in three key areas during the 2020 session:



**JUSTICE REFORM**



**REPRODUCTIVE FREEDOM**



**JUVENILE JUSTICE**

## JUSTICE REFORM

### SUCCESSFUL SUPERVISION

**Kentuckians under supervision need a fair shot at getting back on their feet. Reforming the state's systems of probation and parole will reduce the skyrocketing number of incarcerated people.**

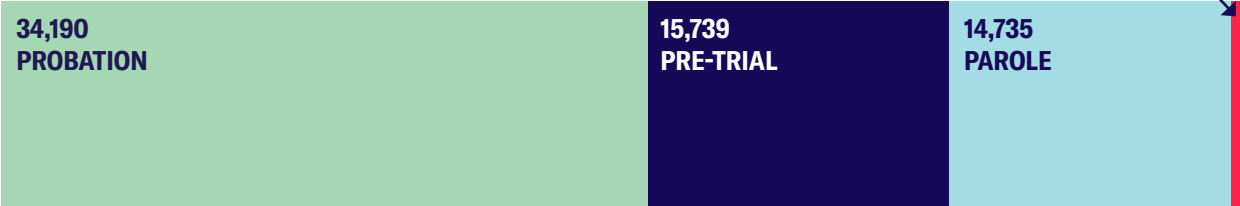
### THE PROBLEM

More than 50,000 Kentuckians are on probation or parole and are at risk of returning to jail or prison because of simple technical violations. Violations happen when a probationer or parolee breaks the conditions of their supervision. They can be as simple as arriving late to a meeting because of a wreck on the highway.

### THE SOLUTION

We support legislation reforming Kentucky's community supervision to allow formerly incarcerated people a fair chance at successfully reintegrating into their communities by:

- Providing alternatives to prison and jails for people who fail to meet all conditions of their release all of the time.
- Providing incentives to probationers similar to those offered to parolees (i.e. credit for education, volunteering, or participation in a recovery program).
- Implementing a fairer system for paying fines and fees to offer people released from jail or prison a better chance to get on their feet.
- Extending the same due process afforded to Kentuckians accused of a crime to people facing a return to prison or jail for alleged violations.

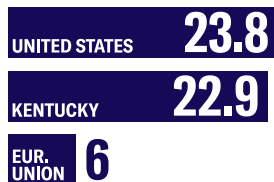


# REPRODUCTIVE FREEDOM

## THE PROBLEM

**The U.S. has the highest rate of maternal mortality among the world's wealthiest countries.**

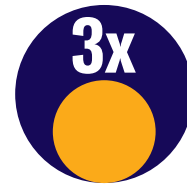
People of color are three times more likely to die from complications during or after pregnancy than their white peers. African Americans are four times more likely to die than their white peers.



Maternal mortality rate per 100,000 births.



U.S. maternal mortality rate rose 26% from 2010-14.



Pregnant people of color have 3x the maternal mortality rate.



Black infants are twice as likely to die before their first birthday than non-Hispanic



Maternal and infant mortality happens to pregnant people of color of all incomes.



Mortality rates are higher for all pregnant people of color due to structural racism in

## THE SOLUTION - Maternal CARE Act

**We support the Maternal CARE Act, which would address the racial disparities in maternal mortality in three keys ways:**



Address racial bias in medicine by requiring implicit bias training



Increase access to doulas by allowing people to use Medicare to pay for their services



Increase understanding of the causes of maternal and infant mortality by establishing transparent processes to review each case

### WHAT IS IMPLICIT BIAS TRAINING?

Implicit bias is an automatic and subconscious feeling or attitude about a certain group of people. It does not come from a place of negative intent, but results in unequal treatment. Implicit bias training teaches people how to identify their subconscious patterns of biased thinking and change those patterns to eliminate discriminatory behaviors.

### WHAT ARE DOULAS?

Doulas inform and advocate for pregnant people before, during, and after birth. Doulas provide individualized and culturally-specific education about pregnancy and childcare, and ways to reduce stress and promote a healthy pregnancy. They visit patients at home during and after pregnancy, and are present during labor and delivery to ensure the patient receives the care they need.

# JUVENILE JUSTICE

**A variety of Kentucky laws treats kids like adults in our justice system. These laws hurt all families, but have a disproportionate impact on Black kids.**

To make much-needed reforms to reduce racial disparities, we need accurate data to get a better understanding of how we got here and how to address it.

## THE PROBLEM

Juvenile justice reform from past General Assemblies has resulted in significant reductions in the number of detained youth. Unfortunately, racial disparities have increased.

**We need a system that treats kids like kids, not adults.**

## THE SOLUTION

Children who have been accused of acting out should be supported with access to services. We need legislation that allows advocates and the state to collect data to understand where current supports are failing these children and their families.



# 2020

# LEGISLATIVE

# GOALS

**Legislative goals relate to issues that are core to the ACLU of Kentucky's mission. We are laying the groundwork to reach these goals during future legislative sessions by helping lawmakers understand these issues, working with stakeholders, and collaborating with allies.**



# LEGISLATIVE GOALS

**The ACLU of Kentucky is committed to the longterm fight for civil liberties, and will focus in four broad areas during the 2020 legislative session.**

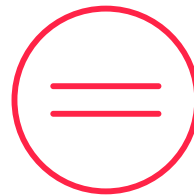
We are laying the groundwork for future success on these issues by helping lawmakers understand them, learning from those directly affected by them, and collaborating with ally organizations.



**JUSTICE  
REFORM**



**RACIAL  
JUSTICE**



**LGBTQ  
EQUALITY**



**VOTING  
RIGHTS**

## JUSTICE REFORM

### ENDING THE DEATH PENALTY

The ACLU of Kentucky supports full abolition of the death penalty. Until full abolition is achieved, we must stop sentencing people to death who have severe mental disabilities.

### EXPANDING EXPUNGEMENT

The ACLU of Kentucky supports updating our laws so more Kentuckians have the opportunity to earn a second chance.

### ACCESS TO RECOVERY SERVICES

Time is of the essence when people with substance use disorder seek treatment, and bureaucratic delays can be life-threatening.

The ACLU of Kentucky supports removing prior authorization requirements. Removing this barrier will save lives. It will also reduce the number of incarcerated Kentuckians by giving people a real chance to get the treatment they need.

### ALTERNATIVES TO INCARCERATION

Kentucky's incarceration rates are skyrocketing, causing deadly overcrowding in jails and prisons. If Kentucky were a country, it would have the third-highest rate of women's incarceration in the world. Kentucky has the second-highest rate of children affected by parental incarceration. These rates are even worse for people of color.

The ACLU of Kentucky supports reforming Kentucky's system of injustice by changing police practices, increasing alternatives to incarceration, improving probation and parole, and strengthening re-entry programs.

### JUVENILE JUSTICE

Reforms have reduced youth incarceration rates, but racial disparities have drastically increased.

The ACLU of Kentucky supports policies that treat Kentucky kids like kids, and not adults. Kentucky's youth need access to community programs, trauma-informed counseling, and equitable education.

# RACIAL JUSTICE

## RACIAL IMPACT STATEMENTS

**The ACLU of Kentucky supports the inclusion of racial impact statements in proposed legislation.**

Many laws, even those that may appear neutral on their face, have disparate impacts on black and brown Kentuckians. Adding a data-driven analysis to proposed legislation would allow lawmakers to fully understand the potential effects legislation could have on Kentuckians of color.

# LGBTQ EQUALITY

## STATEWIDE FAIRNESS

Fairness laws protect LGBTQ Kentuckians from discrimination in housing, employment, and public accommodation. Some cities in Kentucky have local ordinances offering these protections.

The ACLU of Kentucky supports a statewide Fairness law to protect all LGBTQ Kentuckians from discrimination, no matter where they live.

## BANNING CONVERSION THERAPY

Kentucky's LGBTQ youth can be forced into "conversion therapy." This practice seeks to change a person's sexual orientation, gender identity, or gender expression. The American Psychological Association has proven this "therapy" is ineffective and often leads to depression, isolation, substance use disorder, suicidality, and more.

The ACLU of Kentucky supports banning the use of conversion therapy on Kentucky's young people.

# VOTING RIGHTS

## RESTORATION OF VOTING RIGHTS

Kentucky bars some individuals with past felony convictions from voting, even after completing their full sentence, probation, and parole. This practice weakens democracy and disproportionately keeps Kentuckians of color from exercising their right to vote.

Governor Beshear signed an executive order restoring the voting rights of roughly 212,000 people with past felony convictions who had completed their full sentences, probation, and parole. That order was a good step forward, but leaves behind more than 100,000 others. It could also be easily reversed with an executive order from a future governor.

The ACLU of Kentucky supports amending the Kentucky Constitution to grant all Kentuckians the right to vote by automatically restoring voting rights to people currently denied them.

**2020**

**AREAS OF**

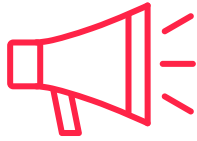
**DEFENSE**

**Lawmakers file several bills during the legislative session that threaten Kentuckians' civil rights and liberties. The ACLU of Kentucky is committed to stopping these bills to protect the civil rights and liberties guaranteed to all people in Kentucky by the U.S. and Kentucky Constitutions.**

# AREAS OF DEFENSE

Lawmakers file hundreds of bills every year, and the vast majority of them do not move forward. Some civil rights and liberties are under constant attack from lawmakers.

**We are committed to stopping problematic bills in six key areas during the 2020 session:**



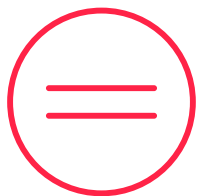
**FREEDOM OF  
SPEECH**



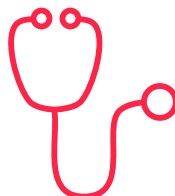
**IMMIGRANTS'  
RIGHTS**



**JUSTICE  
REFORM**



**LGBTQ  
EQUALITY**



**REPRODUCTIVE  
FREEDOM**



**VOTING  
RIGHTS**

## FREEDOM OF SPEECH

**Lawmakers frequently undermine the right to free speech guaranteed by the 1st Amendment.**

### SILENCING KENTUCKY VOICES

The “Silencing Kentucky Voices Act” would make protesting on infrastructure - like pipelines - a felony punishable by up to 5 years in prison.

This bill was filed in late 2019 shortly after a fatal pipeline explosion in Danville, and Louisville Gas & Electric’s push to build a pipeline through Bernheim Forest. It would also penalize people who help protesters in any way, including providing water or first aid.

Similar laws have been promoted by energy groups in other states.

### CHURCH AND STATE

Lawmakers frequently claim they are protecting religious freedom when they are really restricting free speech and indicating state endorsement of specific religious beliefs. Some laws passed in other years using this technique include:

- Religious Freedom Restoration Act
- Mandated display of ‘In God We Trust’ in all public schools
- Bible Literacy classes

# IMMIGRANTS' RIGHTS

**Families belong together and all people in Kentucky should feel safe living in their communities, regardless of their skin color or country of origin.**

## FAMILY SEPARATION BILL

Senate Bill 1, the Family Separation Bill, would force local law enforcement agencies and almost all public employees to “support the enforcement of federal immigration law.”

This bill would increase racial profiling and put our fellow Kentuckians at greater risk for deportation. It would also interfere with students' educations, separate Kentucky families, and stress our already weak foster care system.

The Family Separation Bill would also imperil county budgets. Forcing local law enforcement agencies to enforce federal immigration laws exposes them to lawsuits in cases of constitutional violations.



## WHAT WOULD THE FAMILY SEPARATION BILL DO?

- Force almost all public employees, from staff at domestic violence shelters to hospital employees, to engage in federal immigration law enforcement.
- Deny college admission to students without proper documentation. Some senators are seeking to also deny admission to DREAMers, or DACA recipients.
- Allow all constitutional officers to formally challenge people or agencies they believe are not enforcing the law.
- Create a system of fear, intimidation, and racial profiling against Kentuckians of color.
- Imperil county budgets by exposing them to costly lawsuits.

# JUSTICE REFORM

## SENTENCING ENHANCEMENTS

**The ACLU of Kentucky opposes bill that would increase the number of incarcerated people.**

The General Assembly frequently passes legislation that defines new crimes and increases the punishments for existing crimes. Decades of these types of bills are partly to blame for deadly overcrowding in Kentucky's jails and prisons.

# LGBTQ EQUALITY

**LGBTQ youth are some of Kentucky's most vulnerable people. The ACLU of Kentucky opposes all legislation restricting the rights of LGBTQ people.**

## BATHROOM BILL

Transgender students are the target of a renewed attempt to restrict and regulate their access to restrooms and locker rooms in their schools. The bill is being brought back after failing in past years.

Lawmakers are pushing these discriminatory policies in the name of privacy and safety. It is already illegal to enter a bathroom or locker room for the purposes of harming someone or invading someone's privacy. Nothing in this bill would change that. All this bill would do is discriminate against transgender youth for being who they know themselves to truly be.

### WHAT WOULD THE BATHROOM BILL DO?

- Force students to use the bathroom based on their biological sex at birth, not their gender identity.
- Allow students to sue their school if it allows their transgender peers to use bathrooms or locker rooms that correspond with their gender identity.

## HEALTHCARE DISCRIMINATION

Some lawmakers want politics in your doctor's office. One piece of proposed legislation would make it illegal for parents to seek transgender-affirming medical care for their children under the age of 18.

As of the January 6, 2020, this legislation had not been filed. Visit [ACLU-KY.org](http://ACLU-KY.org) to stay up to date.

**2019 was a record-breaking year for Fairness in Kentucky! Six cities passed a Fairness ordinance, bringing the total to 17.**

Fairness protections prohibit discrimination against LGBTQ people in housing, employment, and public accommodation. These ordinances are an important step in the right direction, but it's time for Kentucky lawmakers to adopt a statewide Fairness law that protects all LGBTQ Kentuckians, no matter where they live.

**DID  
YOU  
KNOW?**

# REPRODUCTIVE FREEDOM

Kentucky lawmakers regularly pass laws restricting access to abortion. The ACLU of Kentucky opposes all policies that put politics between a patient and their doctor.

## ANTI-CHOICE CONSTITUTIONAL AMENDMENT

This bill would add political language to Kentucky's constitution about abortion. It would assert there is no legal right to an abortion guaranteed by the Kentucky Constitution.

**People must be fully informed before making important healthcare decisions, and politics must stay out of the exam room.**

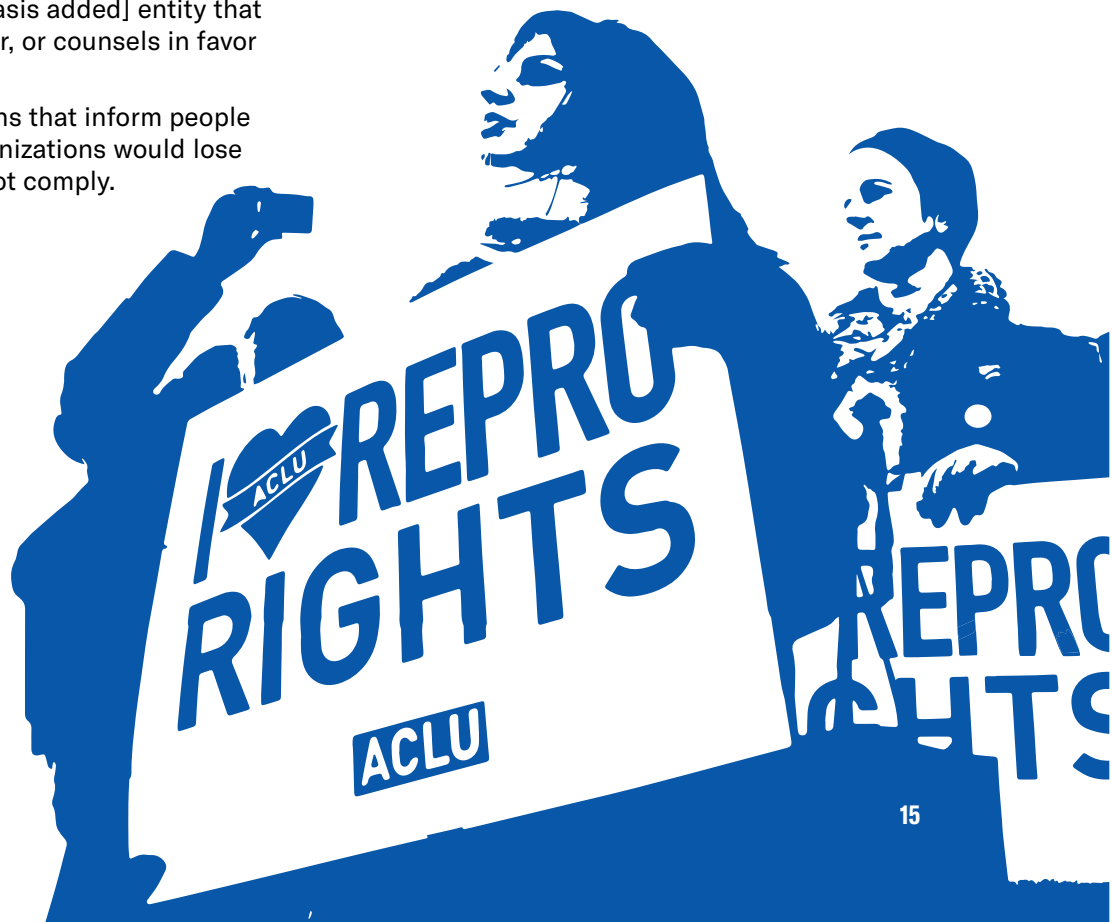
## ABORTION RESTRICTIONS OFTEN FALL INTO 3 CATEGORIES:

1. Bans on certain medical procedures
2. Bans depending on the patient's reason for seeking the abortion
3. Unnecessary regulations that do not improve patient health outcomes, but do make it difficult or impossible for clinics to obtain a license to operate.

## PUBLIC FUNDING PROHIBITION

This bill would "prohibit the payment of public agency funds to *any* [emphasis added] entity that performs, induces, refers for, or counsels in favor of abortions."

This bill targets organizations that inform people of their options. These organizations would lose crucial funding if they do not comply.



# VOTING RIGHTS

Every eligible voter should easily be able to vote and all votes should count.

## MANDATORY VOTER I.D. BILL

Photo I.D. laws are a form of voter suppression. SB2, the Mandatory Voter ID Bill, would require people to present an official photo I.D. issued by the government or a university to vote. This is a solution to a non-existent problem based on unfounded claims of “voter fraud”.

There have only been 31 credible allegations of voter impersonation in the country – the only type of voter fraud a photo ID can prevent – between 2000 and 2017. More than 1 billion ballots were cast in that same time.

## VOTER PURGE

Kentucky’s Secretary of State has been ordered to clean up the voting rolls by a federal court. The Secretary is trying to rush this process and purge voters before the 2020 general elections.

Removing people from the rolls must be done as slowly and as carefully as possible. Purges remove voters who are not supposed to be removed. Ohio was set to purge 235,000 registered voters and was incorrect 20% of the time.

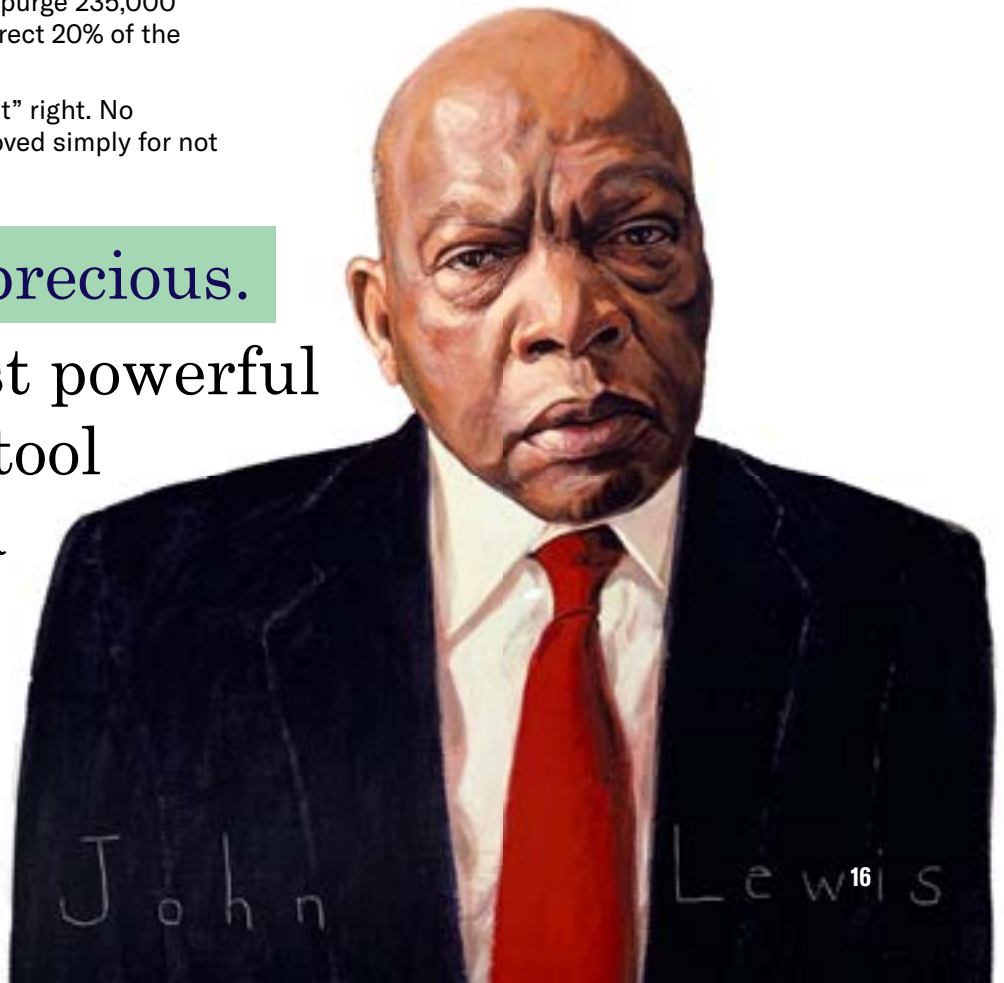
Voting is not a “use it or lose it” right. No registered voter should be removed simply for not participating in elections.

## THE REAL EFFECTS OF MANDATORY VOTER I.D.:

- Photo ID requirements reduce turnout by 2-3% by making it more difficult to vote.
- Acquiring a photo I.D. takes time and money (transportation, lost wages, childcare).
- Providing photo I.D.s at no cost to voters requires significant government resources.

The vote is precious.

It is the most powerful non-violent tool we have in a democracy.





# RESOURCES

## FOLLOW US:

Stay up-to-date with the latest news from the General Assembly and see how you can get involved.

@ACLUofKY



## TAKE ACTION:

Visit [ACLU-KY.org](https://www.aclu-ky.org) to sign up for email action alerts, send a message to your legislators, and view the calendar of events.

## ACCESSING THE CAPITOL:

All visitors must go through security. Be prepared to present a photo I.D.

700 Capitol Avenue  
Frankfort, KY 40601

### PHOTOS:

1. Cover. Kentucky Tourism.
  2. Page 7. VPR.org, "Education Officials Balk At Scott's Latest Plan For School Savings In Vermont." 2018.
  3. Page 16. Photo of painting by Robert Shetterly. 2010.
- All other photos and graphics are original artwork of the American Civil Liberties Union of Kentucky.*

## HOW TO VOTE:

All eligible voters must register by the voter registration deadlines to cast a ballot.

### PRIMARY ELECTION

**Election Day: April 20, 2020**

**Registration deadline: May 19, 2020**

### GENERAL ELECTION

**Election Day: November 3, 2020**

**Registration deadline: Not yet set**

### GoVoteKY.com

Visit [GoVoteKY.com](https://www.govoteky.com) to:

- register to vote
- see where to vote
- view a sample ballot

### VOTING RIGHTS RESTORATION

Do you have a past felony conviction?

Visit [ACLU-KY.org/En/News/Restoration](https://www.aclu-ky.org/En/News/Restoration) to see what you need to do to vote in the next election.

## SEE WHO REPRESENTS YOU:

### LOCAL OFFICIALS

Visit [Kentucky.gov/Government/Pages/Local](https://www.kentucky.gov/Government/Pages/Local)

### STATE OFFICIALS

Visit [LRC.KY.gov](https://www.lrc.ky.gov)

**WE THE PEOPLE  
DARE TO CREATE A  
MORE PERFECT UNION.**

ACLU-KY.org  
@ACLUofKY



*Updated January 8, 2020*

**ACLU** Kentucky