

ACLU of Indiana
2011 General Assembly Priority Civil Liberties Bills

Joan Laskowski, VP Legislation
Senate Bills —>SB 601, House Bills —>HB 1608

CRIMINAL JUSTICE

SB 554 Disseminating material harmful to minors

Amends current laws on child exploitation and matter harmful to minors. Provides defenses to certain crimes of electronic production or dissemination of sexual images to minors if all the following apply:

--the defendant is under 22,

--the defendant is not more than 4 years younger or older than the person depicted or receiving the image,

--there is a dating relationship or ongoing personal relationship between the defendant and the person depicted or receiving the image, and

--the person depicted or receiving the image acquiesced in the defendant's conduct.

However, these defenses do not apply if the image is disseminated to a person other than the person who sent the image or who is depicted.

Provides that a school may offer instruction regarding the risks and consequences of sexting and that discipline rules must prohibit bullying through the use of computers.

Author: Merritt

Committee: Corrections, Criminal & Civil Matters

At Stake: Approaches to widespread juvenile sexual expression other than criminalization

Position: Amend: electronic dissemination makes it impossible to limit transmission only to the person who sent the image or the person depicted.

SB 561 Corrections and sentencing

Provides judges with more discretion in sentencing nonviolent first offenders convicted of certain theft and drug offenses. Provides for many additional criminal code reforms.

Authors: Steele, Bray

Co-Authors:: Head, Charbonneau

Committee: Corrections, Criminal & Civil Matters

At Stake: Criminal code reform (1) to cut costs by cutting excessive incarceration and (2) to improve public safety by rehabilitating and reconnecting nonviolent offenders as productive members of the community

Position: Support

HB 1042 Dissemination of sexual material

[Duplicates SB 554, above.]

Author: L.Lawson

Co-Author: Foley

Committee: Courts & Criminal Code

IMMIGRATION

SB 590 Immigration matters

–Requires that only English be used in public meetings and public documents, with public safety exceptions.

–Requires office of management and budget to calculate the costs of illegal aliens in Indiana and request federal reimbursement.

–Prohibits government bodies from limiting actions by other government bodies with regard to information of the citizenship or immigration status of an individual.

–Prohibits government bodies from limiting the enforcement of federal immigration laws to less than the full extent permitted by federal law.

–Requires law enforcement officers to verify the citizenship or immigration status of individuals.

- Establishes a process to suspend or revoke business licenses of employers who knowingly employ unauthorized aliens.
- Requires negotiation with the federal government so state police can be trained to enforce federal immigration and customs laws.
- Requires state agencies, contractors and business entities to use E-Verify and meet other requirements.
- Allows terminating a public contract for services if the contractor knowingly employs an unauthorized alien.
- Prohibits day laborers from working without completing an attestation.
- Requires law enforcement to impound motor vehicles used to transport, conceal, or harbor aliens.
- Requires a judicial officer setting bail to consider that the defendant is a foreign national as relevant to risk of nonappearance.
- Allows a law enforcement officer to arrest a person if the officer has probable cause to believe the person is an alien.
- Requires dept. of correction to verify the citizenship or immigration status of offenders.
- Prohibits a person not lawfully in US from being eligible for or receiving any higher education award or resident tuition.
- Requires dept. of workforce development to verify the status of an individual through the SAVE program to determine eligibility for unemployment compensation benefits.
- And more.

Authors: Kruse, Boots
 Co-Authors: Waterman, Hershman, Landske, Holdman, Becker, Miller, Steele, Grooms, Yoder, Tomes, Walker
 Committee: Pensions & Labor
 At Stake: Federal preemption; excessive cost; racial profiling; unreliability of federal databases
 Position: Oppose

LESBIAN & GAY RIGHTS

HJR 6 Marriage

Provides that only a marriage between one man and one woman shall be valid or recognized as a marriage in Indiana. Provides that a legal status identical or substantially similar to that of marriage for unmarried individuals shall not be valid or recognized. (This proposed amendment has not been previously agreed to by a general assembly.)

Author: Turner
 Co-Author: Cheatham Stemler Culver
 Committee: Judiciary
 At Stake: Equal access to a fundamental right
 Position: Oppose

SJR 13 Definition of marriage

[Duplicates HJR 6, above.]

Authors: Holdman, Kruse, Tomes
 Co-Authors: Nugent, Waltz, Banks
 Committee: Judiciary
 At Stake: Equal access to a fundamental right
 Position: Oppose

REPRODUCTIVE RIGHTS

SB 328 Abortion matters and physician privileges

Provides that to promote informed consent, a physician must state that there is medical evidence that a fetus can feel pain. Provides that 18 hours before an abortion, a woman must be given information about the availability of help with adoptions, abortion risks and risks of carrying to term, and the statement that an embryo immediately begins to divide and grow as human physical life. Requires hospital admitting privileges for abortion providers. **Amended:** SB 457 added. "Can feel pain" amended to "may feel pain". Specifies contraception not subject to or governed by abortion laws. Specifies that a minor may file a petition for waiver of parental consent in county of residence or where abortion is to be performed. Abortion provider may not

file petition as next friend. Information about abortion risks includes danger of infertility, risk of breast cancer. A woman must be informed orally and in writing (currently, just orally).

Author: Miller, Kruse, Banks

Committee: Health & Provider Services

At Stake: Access to medically accurate information; access to abortion without political interference, shaming, intimidation and requirements not applied to riskier outpatient procedures

Position: Oppose

HB 1205 Abortion funding

Prohibits state agencies from funding any entity involved with providing abortions.

Author: Ubelhor

Co-Authors: Bacon, McMillin, Morris

Committee: Public Policy

At Stake: Planned Parenthood's provision of reproductive health care (including Pap tests, birth control, STD testing and treatment) for low-income persons

Position: Oppose

HB 1210 Various abortion matters

Requires that the woman be told the fetus might feel pain. Requires woman to view ultrasound imaging unless she declines in writing. Requires physician admitting privileges.

Author: Turner

Co-Author: 45 Rep; 5 Dem (Cheatham, Dembowski, Battles, Goodin, Welch)

Committee: Public Health / Reassign Public Policy

At Stake: Access to health care, including abortion, without intervention of politicians into doctor-patient relationship

Position: Oppose

HB 1228 Health care professional's conscience clause

Provides that a health care professional (pharmacist, nurse, physician) may not be required to dispense a drug or medical device that would be used to cause an abortion, destroy an unborn child or cause death of a person by assisted suicide, euthanasia or mercy killing. Specifies that the refusal may not result in claims or disciplinary action against the professional. Provides for penalties against an employer taking action against the professional.

Author: Davisson

Co-Author: Turner

Committee: Public Health

At Stake: Access to health care; imposition of religious principles; duty of care

Position: Oppose