

2019

LEGISLATIVE REPORT

ACLU
Indiana

112 days. That's how long the 2019 Legislative Session lasted.

In those 112 days, we saw several highs and several lows inside the Indiana Statehouse. Again and again, Indiana legislators put their own political agendas ahead of the basic rights and human dignity of everyday Hoosiers.

The ACLU of Indiana and our supporters were a constant presence in the Statehouse - fighting tooth-and-nail to stop discriminatory legislation.

From keeping 12-year old kids out of adult court, to protecting a woman's reproductive rights or the rights of trans Hoosiers to change the gender marker on their IDs - this session was a constant battle.

BY THE NUMBERS

Legislative days in the 2019 session	61
Legislators in both the House and Senate	150
Bills tracked	80
Third House Meetings Tracked	97
Bills ACLU supported	7
Bills ACLU opposed	11
Attendees at ACLU Activists Trainings	102
Messages sent to legislators	20,000
Hoosiers who took Action	4,500



588 community members sent messages to legislators saying **children do not belong in adult court.**

VICTORY!

JUVENILE CRIMINAL JUSTICE

Waiving 12-Year Old's to Adult Court

Legislators attempted to pass SB 279 and HB 1114, two bills that would have automatically waived juvenile court jurisdiction over children 12 years and older who have been accused of attempted murder or murder. But no child belongs in adult court – both measures were defeated!

The ACLU of Indiana spoke out against both bills and rallied community members to send more than 1,000 messages to legislators saying that children do not belong in adult court. We are glad that legislators recognized the severe consequences of these bills and ultimately removed the problematic language, leaving children in the juvenile justice system.

School Materials for Juvenile Detainees

The school-to-prison pipeline is a disturbing national trend wherein children are funneled out of public schools and into the juvenile and criminal justice systems, when they most need support from their schools and communities. We supported SB 29 which was signed into law and will provide incarcerated youth with school materials while detained, better equipping individuals to build successful lives in their communities upon release.



EMPTY HATE CRIMES LEGISLATION

After many drafts and heated debates regarding Hate Crimes legislation, Indiana passed SB 198, a bill that fails to explicitly protect vulnerable Hoosiers by omitting gender identity in the list of protected classes. Transgender people are disproportionately targeted with violence because of who they are. By omitting gender identity from the list of protected classes, SB 198 sends a message to trans Hoosiers that protecting their lives is a secondary priority.

We took every opportunity to talk with legislators about the violence against transgender

community members. Indiana TEAP advocates openly shared their personal stories of confronting hate in our state. But still, Indiana legislators opted for a watered-down bill that fails to get the job done on every level and does not meet the standards of an effective hate crimes law. **Hoosiers deserve better.**

VICTORY!

GENDER IDENTITY ON IDS

Indiana legislators attempted to further single out the transgender community by adding language into multiple bills that aimed to make it more difficult for trans Hoosiers to update their government issued IDs. These spiteful attacks came in response to a forward-thinking Indiana BMV policy that allows nonbinary Hoosiers to update the gender marker on their drivers' licenses.

Our Indiana TEAP advocates were ready to take on the fight and quickly coordinated two days of action at the Statehouse. After countless conversations and more than 2,500 messages sent to legislators, the debate was tabled. We are glad that trans Hoosiers can continue to update the gender marker on their IDs without any additional hurdles during what is already a burdensome process, but we know the battle isn't over. We will remain vigilant of any oncoming attacks during future legislative sessions.



WOMEN'S HEALTH UNDER ATTACK

Each year, Indiana legislators pass bills which attempt to chip away at women's access to reproductive healthcare. Each year, we go into the Statehouse defending women's health. And each year, legislators pass these bills despite medical evidence and fact. Unfortunately, this year was no different. **But we are not backing down.**

Two pieces of legislation made their way to Governor Holcomb's desk this session – HB 1211 and SB 201.

WE'RE SUING!

HB 1211 is an outright ban on the most common form of abortion during the second trimester, dilation and evacuation, which is a safe and effective medical procedure. The law undermines doctors' professional recommendations, despite the fact that similar or virtually identical laws have been blocked in several other states. Less than 24 hours after Holcomb signed the bill, we filed a lawsuit, and we will continue to fight for women's rights.



SB 201 puts in place a religious exemption for health providers so they may refuse to provide reproductive healthcare or medication if it is against their religious belief. This legislation and existing law do not include an emergency exception to similarly protect the rights of a woman to receive reproductive care. The right to a religious objection should not come at the cost of a woman's right to reproductive care.



DEFENDING FREE SPEECH

Indiana joined several other states in a nationwide effort to pass "critical infrastructure" legislation. These bills have been pushed by special interest groups working to stifle free speech under the guise of protecting infrastructure. The ACLU raised grave concerns that **SB 471** runs afoul of due process, punishes the right of association, and will almost certainly chill protected speech. Existing law already prohibits trespass and malicious destruction of property, making SB 471 completely unnecessary.

8,000 messages sent to legislators demanding they protect the right to protest!

While legislators made efforts to remove some of the problematic language in the bill, the roots remained the same. Despite nearly 8,000 messages sent to legislators by ACLU supporters, SB 471 is headed to the Governor's desk. Many community organizations are calling on Governor Holcomb to veto this speech chilling bill.

RELIGION IN SCHOOLS

SB 373, as introduced, required public schools to display a framed picture or poster with the motto, “In God We Trust” and allowed for release time credit allowing students to attend and get credit for religious study.

We fought the legislature on several aspects of this bill which would violate First Amendment prohibition of establishment of religion. Our Advocacy team was able to work with legislators to ensure the most problematic language was taken out of the bill before it passed. But SB 373 could still lead to questions regarding Constitutionality, because ultimately, our state must ensure that Indiana public schools do not

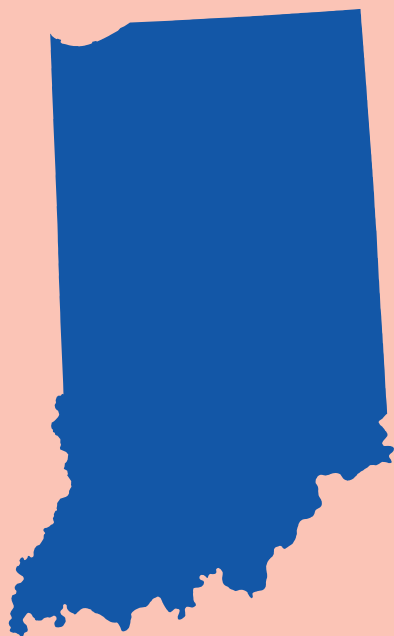


favor or promote one set of religious views over another. **Religion belongs where it prospers best—with individuals, families and religious communities, not in public schools.**

MISSED OPPORTUNITIES

In-State Tuition for Undocumented Immigrants

Three bills were introduced to allow undocumented immigrant students who attended high school in Indiana to pay in-state tuition at Indiana’s public colleges and universities. The ACLU supported all three bills, HB 1030, SB 138 and SB 335. Similar legislation was introduced during the 2018 session. Unfortunately, legislators failed to give any of these bills a hearing.



Redistricting

Once again, the Indiana legislature fell short of passing any redistricting legislation despite the introduction of several bills. SB 105 saw the most progress and would have established a set of legal standards that would guide legislators when drawing new districts. While this bill would have been a proactive step, it did not go far enough.

Legislation should ultimately take maps out of the hands of self-interested politicians and give it to a bi-partisan committee that will be accountable to us, We the People, or else gerrymandering will continue to erode our democracy. We will continue to fight for real redistricting reform.

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