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A NOTE FROM OUR DIRECTOR OF ADVOCACY & PUBLIC POLICY, KATIE BLAIR

The 2023 legislative session will go down in Indiana's history as a session fraught with hate and misinformation. But it can also be remembered as a session where Hoosiers from every corner of our state **showed up like never before** to support their rights, and the rights of their neighbors.

ACLU of Indiana supporters sent more than 78,000 messages to their elected officials to speak up against bills that threaten our rights and freedoms. To put that in perspective, that is nearly **three times** the number of messages sent last year!

But I won't sugar coat it, this session was hard. More than 20 bills were filed that **targeted LGBTQ Hoosiers** and singled out trans kids. The rhetoric surrounding this legislation was not grounded in reality. It was propped up by cherry-picked studies, fringe "experts," a handful of political operatives from outside of Indiana, and fearmongering.

And while three of those bills passed, **the ACLU of Indiana is not done fighting,** and neither are our supporters. Read more below about the bills we defeated, the bills that passed, and how we will continue to make an impact.



BY THE NUMBERS

78,000+

MESSAGES SENT TO LEGISLATORS 18,000+
HOOSIERS TOOK ACTION

264
BILLS
TRACKED

16
BILLS SUPPORTED
BY ACLU

24BILLS OPPOSED
BY ACLU

80DAYS IN SESSION

1,250+
ACLU SUPPORTERS RALLIED
AT THE STATEHOUSE

2023 LEGISLATIVE REPORT ACLU OF INDIANA

SLATE OF HATE

Protecting LGBTQ Rights at the Statehouse



This year, Indiana legislators launched an **unprecedented attack on LGBTQ Hoosiers.** More than 20 bills introduced were part of a coordinated, hate-driven campaign to push LGBTQ people, particularly trans youth, out of public life.

Many of these bills were offered under the guise of "protecting parental rights," but parents who support their LGBTQ kids are **having their rights stripped away.**

Whether it's a parent's right to access gender-affirming care for their kid, or to request a teacher refer to their child by the name and pronouns aligned with that child's gender identity — these anti-LGBTQ bills only aimed to protect parents whose ideologies align with certain politicians and out-of-state extremists.

GENDER AFFIRMING CARE

WE'RE SUING!

Every reputable medical organization has found that some transgender people need gender affirming care, which is often life-saving medical care. The courts have agreed, finding gender dysphoria to be a serious medical issue, requiring appropriate treatment. A dangerous bill passed by the Indiana legislature, SB 480 prohibits families and doctors from providing age-appropriate, evidence-based care for youth who require it.

Despite intense opposition from families of trans youth here in Indiana, as well as warnings from medical professionals, some lawmakers chose to **risk the lives of young people** by forcing their way into family decision-making, a fundamental right which has traditionally been protected against government intrusion.

Young people who are trans need support and affirmation, not to be a political target. Just hours after SB 480 passed, the **ACLU of Indiana filed a lawsuit** on behalf of four families and a medical provider, and remains dedicated to overturning this blatantly unconstitutional law in court.

HB 1569 is another gender-affirming care ban that denies access to care for people housed in the Department of Correction simply on the basis that they are transgender. This will **deny necessary medical care** that the State is required to provide, and we will do everything in our power to defeat this blatantly unconstitutional law.



2023 LEGISLATIVE REPORT ACLU OF INDIANA

RIGHT TO LEARN

Multiple bills introduced in the 2023 session attempted to control what youth can and cannot read, what they can and cannot learn, and—most troublingly—who they can and cannot be. HB 1608 is an atrocious "don't say gay" bill that bans conversation about "human sexuality" in public schools, an undefined term which could be used to broadly censor discussions about sexual orientation and gender identity in pre-K through third grade. This bill also forces teachers to out students who request to be referred to by a different name or pronoun, by sending a note home to parents.

More than 13,000 Hoosiers spoke out against this bill, and while it still passed, **several amendments were made to lessen the blow.** In its original form, HB 1608 banned teachers from using the correct pronouns and names of trans kinds without their parent's permission. Now, while a school administrator must notify a parent of the request, teachers do not have to gain consent from a parent to use the student's requested pronouns and name. In addition, if a parent wished for a school to affirm their child's gender identity, pronouns, and changed name they could only make that request once a year but that request could be ignored by school staff. That language was also eliminated from the bill.

ACLU of Indiana attorneys are assessing this law and we will do everything in our power to protect the rights of LGBTQ students.

In another attempt to filter LGBTQ content from schools, SB 12 was a book banning bill that died in the House, but was resurrected within the last two days of session. Legislators quickly and quietly amended and passed HB 1447, which will strip away protections for material that is disseminated for educational purposes and opens schools, teachers, and librarians up to penalties if a parent disagrees with any part of material available in a school library.

As we have seen across the country, when books are censored, it is mostly books by and about LGBTQ people, people of color, and other marginalized groups that are the first to be banned. Students have a right to learn about all types of people and histories. This bill will have a chilling effect on the availability of books for students to read and explore.





PROTECTING TRANS YOUTH VICTORY!

HB 1407 would have made it illegal for child services to consider failure to provide a safe and affirming environment to a trans youth when looking into abusive home environments. Like all the bills that were part of the Slate of Hate, this bill attempted to capitalize on unfounded public fear that parents will be "forced to accept" trans youth. There simply aren't examples of Indiana agencies removing children from homes for the sole reason that parents didn't provide trans-supportive care.

* = Photos by Lee Klafczynsk

+ = Photos by AJ Mas



ELIMINATION OF COSTS AND FEES IN JUVENILE COURTS

VICTORY!

Too often in our criminal legal system, Hoosiers are faced with the burden of excessive fines and fees. HB 1493 will ensure that parents do not have to pay for the defense of their child in juvenile court unless the judge finds that they are financially able to.

NONCOMPLIANT PROSECUTORS

DEFEATED!

Prosecutors have the power to flood jails and prisons and deepen racial disparities with the stroke of a pen. **But they can also use their legal discretion to do the opposite.** Every year, Indiana legislators attempt to stop prosecutors who use their power to reduce racial and economic inequalities in the criminal legal system. SB 284 would not only have undermined the prosecutor's authority but also the voter's power to hold county prosecutors accountable. SB 284 died in the House.



LIMITATION ON RIGHT TO BAIL

Originally, bail was supposed to make sure people return to court to face charges against them. But instead, the money bail system has morphed into widespread wealth-based incarceration. SJR 1 seeks to amend the Constitution of the State of Indiana to add language that would **eliminate access to bail** for someone deemed a "risk to society," while failing to fix the broken cash bail system. All this bill does is ensure that **even more people stay behind bars,** languishing in Indiana's overcrowded jails.

This is the first step of a multi-year process to amend the State Constitution, and we will continue working with legislators to push for reform that will limit pretrial detention to the rare case where a person poses a serious, clear threat to another person.

POLICING

Over the last several years, Indiana communities have increasingly called for more police accountability and transparency. In blatant disregard to those requests, Indiana legislators passed HB 1186 which would **make it a crime** for a person to come within 25 feet of a police officer performing duties if the person is told by the officer to move away. While this bill does not mention recording, it is clear that this threatens a citizen's ability to observe and record police interactions in their communities.

Whether it's at a rally, a traffic stop, or during a police response to a mental health crisis, **community members cannot hold police officers accountable if they cannot observe what is going on.** The ACLU of Indiana testified in opposition to this bill and will continue our work within Indiana communities to hold police accountable.



VOTING RIGHTS

ABSENTEE VOTING RESTRICTIONS



We owe it to Hoosiers to eliminate barriers to the ballot box, but year after year, some Indiana legislators attempt to pass legislation that pushes voting access out of reach. HB 1334 adds unnecessary rules to the absentee voting process that will lead to confusion and greater difficulties for Hoosiers attempting to vote absentee, ultimately increasing the risk of voter disenfranchisement. HB 1334 has been signed into law, and as a result, absentee voters will be required to provide an extra layer of identification on their absentee ballot application this November. In addition, applications will no longer be able to be sent out without a request or by an assisted living or nursing home employee for their residents.

VOTING RIGHTS FOR PEOPLE WHO WERE PREVIOUSLY INCARCERATED

A section of HB 1116 would have denied suffrage to a person convicted of felony voter fraud for 10 years following the date of their conviction. The restoration of the right to vote upon release back into the community gives individuals an opportunity for reengagement and a chance to be full members of our democracy. HB 1116 was defeated, and these voting rights remain intact.

MISSED OPPORTUNITIES

IN-STATE TUITION

Two bills, HB 1043 and SB 135, were introduced to allow undocumented Hoosier students who attended high school, graduated from a public school in Indiana and have a pending DACA case to pay in-state tuition at Indiana's public colleges and universities. 92,000 undocumented immigrants call Indiana home and 60% have lived in Indiana over 10 years. Bills recognizing the value that these young people bring to our state are introduced every year. But this year, some progress was made. SB 135 received a committee hearing. We are hopeful that legislators will take the important next step toward equality next session and pass in-state tuition for these young Hoosiers.



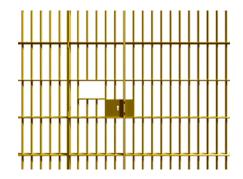


MARIJUANA DECRIMINALIZATION

For the first time ever, Indiana legislators heard a bill that would decriminalize marijuana in our state. The enforcement of marijuana laws generates some of the justice system's starkest racial disparities. In Indiana, Black people are more than 3.5 times more likely than white people to be arrested for marijuana possession. We are glad the Indiana General Assembly took a step by giving this legislation a hearing, but we hope next session they will move forward and pass marijuana legalization bills that prioritize racial justice and equity.

SENTENCE MODIFICATION

As we see all too often in Indiana, jail overcrowding inherently leads to conditions that the Supreme Court has found unconstitutional, as well as serious health and safety concerns. HB 1648 would have created a system of medical and geriatric reprieve to support safe, evidence-based pathways to release for the elderly and those with terminal, costly, life-hampering or life-threatening medical conditions. We will continue to support legislation that aims to reduce overreliance on the mass incarceration system.











The ACLU of Indiana works hard to keep Hoosiers informed on key issues at the Statehouse and legislative votes on civil liberties. We constantly seek ways to hold politicians accountable to protecting your rights and supporting public policy that creates a more just and equitable state for all Hoosiers.

Within the 80 days of the 2023 legislative session, we tracked a variety of bills that would have advanced or threatened civil liberties in our state. We the People can use this information to hold our elected officials accountable. A number of key civil liberty issues arose this session and we fought with our activists to ensure the protection of Hoosiers' rights at every turn.

As you know, direct communication with your elected officials is a valuable way to encourage them to stand up for freedom and protect civil liberties. We encourage you to use this scorecard to give your legislators feedback on their votes in the 2023 legislative session and their stances on the issues impacting your rights and freedom.

ABOUT THIS SCORECARD

HOW WE CHOSE THE SCORED BILLS

We make sure legislators know the ACLU's position on important civil liberties issues prior to voting. We then select a range of key civil liberties votes by the full House or Senate to include in our scorecard. The following votes cover a range of issues facing Hoosiers today.

PURPOSE OF THE SCORECARD

The purpose of this scorecard is to inform our supporters and the public of where their legislators stand on civil liberties issues. Legislators may promise many things while running for office, but there is no substitute for an actual vote. The scorecard is in no way meant to be construed as an endorsement of legislators who score well, or a statement of opposition against those who do not.

ADDITIONAL NOTE

The lifecycle of any given bill may have several rounds of votes. The most recent vote is recorded in this scorecard and represents how each state senator and state representative last voted. To research all legislative votes on a bill, visit www.iga.in.gov, and search for legislation by its bill number.

1

HB 1608: "DON'T SAY GAY" & FORCING OUTING

This bill would effectively ban discussion or acknowledgment of LGBTQ people in schools under the guise of banning conversations around "human sexuality." This language is incredibly vague and would chill discussions around sexual orientation and gender identity in grades Pre K-3. This bill would also force teachers to out students who request to be referred to by a different name or pronoun. These types of forced outing bills expose youth to the threat of additional violence at school and at home.

ACLU OPPOSED

2

SB 480: GENDER AFFIRMING CARE BAN

This bill would prohibit families and doctors from providing age-appropriate, evidence-based care for youth who require it. By banning nearly all forms of gender affirming care available to trans youth, this bill would forcibly deprive some youth of life-saving care that they are already receiving. Bills such as these violate the rights of parents and families to make decisions about their children's health.



3

HB 1186: ENCROACHMENT ON AN INVESTIGATION

This bill would make it a crime for a person to come within 25 feet of a police officer performing duties if the person is told by the officer to move away. Whether it's at a rally, a traffic stop, or during a police response to a mental health crisis, community members cannot hold police officers accountable if they cannot observe what is going on. The overbroad nature of this bill also makes it ripe for abuse and misinterpretation.



4

SJR 1: LIMITATION ON RIGHT TO BAIL

SJR 1 seeks to amend the Indiana Constitution to add language that eliminates access to bail for someone deemed a "risk to society." While the ACLU of Indiana is opposed to the cash bail system, this bill only ensures that even more people stay behind bars, languishing in Indiana's overcrowded jails. Opening up the right to bail more broadly to a judge's discretion will only further increase the risk of bias, continuing to enforce racial disparities in the criminal legal system.



5

HB 1334: ABSENTEE VOTING RESTRICTIONS

This bill would require absentee voters to provide an extra layer of identification on their ballot application. That proof of ID could be in the form of a photocopy of a driver's license or state-issued ID, or the written-out digits of various types of identification numbers. House Bill 1334 would require the voter or a family member to request an application. Applications could no longer be sent out without a request or by an assisted living or nursing home employee for their residents.



2023 **LEGISLATIVE SCORECARD**



Fields with Liberty Torch voted with the ACLU



Fields left blank opposed the ACLU



- HB 1608: "Don't Say Gay" and Forced Outing
- SB 480: Gender **Affirming Care Ban**
- HB 1334: Absentee

SJR 1: Limitation on Right to Bail

Voting Restrictions

1	letter "A" indicate	on an Investigation
	absent or no vote	

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