



# More Victories, More Ahead:

## 2018 KANSAS LEGISLATIVE UPDATE

The ACLU of Kansas in 2018 saw more bills we supported passed and signed into law than ever before.

The 2018 Kansas legislative session opened optimistically for civil liberties advocates hopeful the state's political environment would prove less toxic than in years past.

But extremists continued to snarl, emboldened by the Trump administration's unprecedented anti-civil liberties agenda. They introduced a slew of bills targeting women, immigrants, the LGBT community, civil liberties, and the right to vote.

That made the 2018 session a time to fight.

With support from ACLU members and coalition partners, we mobilized activists state-wide, prevailing on some key issues, repelling attacks on others and positioning ourselves for fresh battles in 2019. **Although the extremists in the Legislature did try to attack civil liberties, they did not triumph.**

**Strengthened by our victories, we're preparing for 2019, locking arms with allies and building on those 2018 successes.**

**ACLU**  
Kansas

# Fixing our Broken Criminal Justice System

We released our diversion report, **Choosing Incarceration**, and launched our “You Make the Case” website in December of 2017. The report places critical information at voters’ fingertips and empowers them to help push for reforms with their local prosecutor.

➤ In 2018, as most states saw plunging incarceration rates, Kansas’ prison population ballooned to more than 10,000 people with nearly half of them people of color and one in five imprisoned on drug possession charges. All of this as crime rates dipped to all-time lows.

This is why the ACLU of Kansas reached out to allies across the political spectrum to help pass **Smart Justice** reforms. Thanks to that broad coalition, we posted important victories, including one on civil asset forfeiture reform.

For decades, Kansas law enforcement seized property based solely on suspicion. A dense, nontransparent process then made it difficult for folks to fight back. More than \$53 million in private property has been seized by the government without due process.

**\$53M**

IN PRIVATE PROPERTY HAS BEEN SEIZED BY THE GOVERNMENT WITHOUT DUE PROCESS

But with pressure from the Kansas Judicial Council, Kansas Appleseed, Representative Gail Finney, Senator David Haley and others, the ACLU of Kansas worked with law enforcement organizations, judges and county attorneys to pass a remedy bill.

HB 2459 requires all Kansas law enforcement agencies to report any private property seized and gives property owners their day in court. This bill won’t by itself reduce the number of forfeitures, but it forms the basis for further solutions ensuring citizens’ rights.

**GOV. COLYER SIGNED AN EXECUTIVE ORDER “BANNING THE BOX,” BUT WE WEREN’T DONE.**

We were able to secure another Smart Justice reform, “banning the box,” which allows people with criminal records to apply for state employment without having to check a box indicating a past conviction.



The ACLU of Kansas also supported a broad effort to compensate wrongfully incarcerated individuals.

A pair of bills sailed through both houses on the strength of the horrifying stories of three innocent men. Kansas has not compensated convicted people, but with broad support, Gov. Colyer also signed this effort into law.

Work continues with our diversion reform efforts, which would help decrease the prison population. With diversion, for example, prosecutors can divert offenders into treatment, restitution and community service and away from expensive imprisonment. Kansas prosecutors use this tool at a rate just half of the national average.

Despite diversion’s clear benefits, state lawmakers refused to bring a bill encouraging diversion to a vote.

**WE REPELLED AN EFFORT TO STRIP “DREAMERS” OF IN-STATE TUITION.**

We notched another legislative victory standing with immigrant communities. Sec. Kobach continued his annual effort to stigmatize and target immigrants and new Kansans by introducing HB 2643, a bill not only proposing to eliminate in-state tuition for undocumented students, but cynically steering the proceeds to former foster youth to fund their education. Lawmakers from both parties said this bill unnecessarily pitted the interests of two vulnerable groups against each other. The bill never advanced out of committee, but we expect similar initiatives to surface next year and as long as Sec. Kobach remains a force in Kansas.

**Free State Elections Act**

➤ Sec. Kobach has proven relentless in his attacks on civil liberties, civil rights, and attempts to improve the exercise of both. For example, the ACLU of Kansas partnered with organizations across the state in the Kansas Coalition for Citizen Participation, and helped introduce some ambitious legislation. The Free State Elections Act (SB 326/HB 2538) would have allowed same-day registering and voting, registering to permanently receive advance mail-in ballots, and defunded **Kobach’s reckless Interstate Crosscheck program.**

The bill was introduced in both houses but delay tactics from both Elections Committees and Sen. Elaine Bowers killed the bills.

**STILL, OUR COALITION FOUGHT ON.** The Senate Ethics, Elections & Local Government Committee held a hearing on election-day registration and we highlighted the impact this would have on increasing turnout among young voters, voters of color, and reentering citizens.

Jurisdictions enacting election-day registration saw turnout mushroom. The ACLU of Kansas argued for election-day registration, with the League of Women Voters of Kansas. Though there was no vote on the measure, members of the committee are interested in advancing a 2019 version.

Meanwhile, the House Elections Committee spotlighted citizen participation.

By a 7-6 vote, the committee amended SB 264 to create a permanent advance ballot status in Kansas, so that voters may regularly receive a mail-in ballot before an election. While lawmakers from both parties supported it, **opponents prevented the bill from coming to a vote.**

**Health Care and Reproductive Rights**

Those same opponents continue to undermine reproductive rights and LGBTQ rights. Health care advocates, for example, had long sought to enact a comprehensive **“Telemedicine”** system in Kansas, and this year, introduced such a bill. Unfortunately, anti-choice organizations inserted an insidious provision ensuring telemedicine could not be used to prescribe and deliver medical abortion services.



**THE IMPACT?**

Countless women in rural Kansas rely on telemedicine for health care services, which helps them avoid traveling upwards of five hours by car for prescription orders and refills. This measure prevents rural women from exercising their fundamental reproductive rights.

One of the most closely watched bills of the last session was a sinister effort allowing adoption agencies to deny LGBTQ family placements based on a “reasonably held religious belief.” In a state with too many children waiting for adopting families, many could be left without a family. **Proponents of this effort pulled out all of the stops, finally passing it at midnight before the session ended.** CONTINUES ➤

# Looking Ahead to 2019...



Our cascade of victories on Smart Justice and immigration policy gives us momentum heading into the next session, but we can't rest on those victories or sleep on the intentions of our adversaries. With the Trump-Brownback-Kobach administrations intent on marginalizing citizens, we have to more resolutely than ever defend our hard-won ground here in Kansas. The best defense is a good offense, but we're doing both: defending civil rights and civil liberties while also taking the fight for equality to our opponents.

» We have some great victories behind us. Many more lie ahead.

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