



Kansas

LEGISLATIVE PRIORITIES 2023

The ACLU of Kansas is a nonprofit, nonpartisan organization that works to preserve and strengthen the civil rights and liberties of every person in Kansas. Our 2023 Kansas legislative agenda advances freedom, defends democracy, and furthers the cause of justice, especially in striking at laws that disproportionately impact people of color and vulnerable Kansans.

We envision living in a state where the kind of treatment you receive in the criminal legal system is not dependent on your wealth; where proceeds from the legalization of medical cannabis are invested in communities disproportionately impacted by marijuana criminalization; where transgender children are free to participate fully in school and society as their full, authentic selves; where reproductive healthcare choice is placed in the hands of patients, not politicians; and where our elections are free, fair, and accessible to all eligible voters.



CRIMINAL LEGAL REFORM: REIMAGINE JUSTICE

Our criminal legal system disproportionately criminalizes, incarcerates, and disenfranchises people of color and those with fewer economic resources. During the 2023 Kansas legislative session, we will advocate for reimagining our criminal legal system. We will support policies that will undo the harm system-impacted youth currently experience, and a medical marijuana bill that promotes equitable engagement for Kansans of color.

DEBT FREE JUSTICE FOR YOUTH

Kansas courts charge children in the justice system and their families thousands of dollars in unjust fines and fees at nearly every step. These financial penalties undermine public safety and family stability, punish poverty, deepen existing racial and economic disparities, and set up young people to fail for years to come. In addition to fines assessed by the courts, Kansas youth are also burdened with a litany of fees, including booking fees, lawyer fees for “provided” representation, program fees for probation or diversion, and ongoing drug testing administered up to several times a week. By requiring juveniles too young to hold a job to pay fines and fees, we place the burden of harsh punishment on working families, many of whom already live paycheck to paycheck, trapping them into a cycle of debt.

The **Debt Free Justice for Youth** Act would:

- Eliminate fines and fees for kids under the age of 18 in the juvenile court system
- Eliminate the ban on expungement due to unpaid court debt
- Would not eliminate victim restitution

Ending fines and fees imposed on kids is a bipartisan proposal supported by local and national organizations and policymakers across the political spectrum.

MEDICAL MARIJUANA

No one should face criminal penalties for pursuing the medical care they need. 37 states and counting have legalized medical marijuana. Kansas remains only one of 3 states to have no public access regime at all. Kansas can't wait any longer: we must take action to ensure patients are not at risk of incarceration for using treatments that have drastically improved the quality of life for countless people around the world.

The ongoing criminalization of marijuana has, through disparate treatments in arrests and incarceration, caused untold damage to communities of color and had deeply harmful impacts on the economic and social fabric of Black communities in particular. On average, a Black person is 3.64 times more likely to be arrested for marijuana possession than a white person in Kansas, and in Wichita, Black residents make up just 10% of the population but 45% of the city's marijuana prosecutions—all despite similar rates of use of marijuana between racial groups.

We cannot undo the generational harm created by our state's antiquated, punitive laws. But as marijuana laws begin to change in Kansas, we can and should ensure full participation and equity in the regulated medical industry for communities that have been disproportionately harmed by marijuana prohibition and

enforcement through the following actions:

Prioritizing Access for Small Business Owners

- Create a tiered licensure system with license fees based on business size.
- Remove felony limitations and prohibitions on licenses.
- Prohibit discriminatory local zoning practices.
- Prohibit discriminatory local tax structures.

Prioritizing Access for Patients

- Explicitly state that probation or parole cannot be revoked due to positive THC tests if an individual has a valid medical marijuana card.
- Explicitly state that being on probation or parole cannot be used as a reason to deny a patient a medical marijuana card.
- Explicitly state that there can be no discrimination of applicants or employees for their legal use of medical marijuana unless required by federal law.
- Explicitly state that agencies administering public housing cannot discriminate against potential or existing tenants unless required by federal law.

Reinvesting in Communities

- Implement a 5% excise tax on marijuana products to fund a community education and reinvestment grant program.

VOTING RIGHTS: **PROTECTING VOTER ACCESS**

The right to vote is fundamental to our democracy. We will advocate for a system of fair and open elections in which all qualified citizens may easily cast a vote and have it accurately counted. We will oppose any legislation that seeks to disenfranchise eligible voters or makes it more difficult for voters to exercise their fundamental right to vote.

REPRODUCTIVE JUSTICE: **SAFEGUARDING REPRODUCTIVE RIGHTS**

Reproductive rights are essential to an individual's equality, autonomy, economic self-sufficiency, and dignity. We will oppose legislative efforts to erode the state constitutional right to reproductive healthcare and we will be vigilant in protecting the privacy and ability of every Kansan to determine what is right for them.

LGBTQ+ RIGHTS: **THE FIGHT FOR EQUALITY**

The ACLU of Kansas will oppose bills that infringe on the equality of LGBTQ+ Kansans, including the ability to live openly without discrimination, personal autonomy, and freedom of expression and association. We will vehemently oppose any bill that attempts to exclude trans and gender non-conforming children from full participation in their schools and communities.

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