



# Legislative Update 2021

**26** Testimonies  
Delivered

**111** Bills  
Tracked

In capitols across the country, the ACLU found itself fighting harmful legislation that would erode rights relating to reproductive freedom, trans rights, and access to voting.

Kansas was no exception.

Fortunately, with the support of ACLU members, we were able to defeat some of the bad legislation and help pass some positive criminal justice reforms.



## Hard-fought victory: pro-bullying, anti-trans bill narrowly defeated

In a wave that swept the nation, over 100 anti-trans bills were introduced across the country, including one here in Kansas.

Though we were able to eventually dispatch of this bill in Kansas, it had all of the earmarks of a zombie – each time we managed to stop it, it would rise again and continue lurching toward a floor vote.

Through three rounds of sparring, right up to the last hours of the session, we fought this measure which prohibited the participation of trans girls in school sports and activities.

This bill was unpopular, promoting bullying and humiliation:

- The bill would result in some extreme measures such as genital inspections;
- 73% agree: “transgender people should be allowed opportunities to participate in a way that is safe and comfortable for them.”

This bill also would have hurt Kansas economically. More than 300 businesses, including Facebook and Amazon, signed a petition denouncing it, and the NCAA notably said it would not host events in states embracing this legislation.

## Voting rights in Kansas hurt by two bills passed this session

Despite a safe and successful election in 2020, where COVID brought an unexpected expansion of mail-in voting due, Kansas Republicans decided mail-in voting made it too easy for people to vote.

The Secretary of State said the 2020 election represented a pillar of achievement for others to emulate, but legislators instead passed two restrictive voting laws aimed at narrowing access to voting primarily for elderly, disabled, people of color, and rural voters.

These bills:

- Do not recognize the reality of people’s lives or communities;
- Are unpopular with constituents and receive condemnation from public input;
- Are opposed by Kansas’ local clerks and election administrators.

County Clerks – not legislators – should determine the early voting period and number of polling places. We should be expanding civic participation, not working to limit it.

### Support our work!

Support the fight for voting rights,  
reproductive freedom, LGBTQ+ rights,  
criminal legal reform, and more at:

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## Changing the conversation: Racial Justice and Police Reform took back seat

The bills that don't make it to a vote are often just as important as the ones that do.

Committee leadership decides whether a bill will be given a hearing, and it is the political party in power that decides who will lead the committees. All too often, bills that would bring positive change and reform to Kansas don't even get a hearing.

Rather than helping to advance bills that made great strides in civil liberties and racial justice this session, we had to defend against harmful and regressive legislation. Here's what we would have supported if we could change the conversation.

**CROWN Act** Perhaps the most recognizable of these bills was the proposed CROWN Act (SB 130), which stands for Creating a Respectful and Open World for Natural hair. This is part of a nationwide movement in response to the rampant issue of discrimination related to hairstyling, specifically natural black hair.

**Police Reform** With an awakened conversation around racial prejudice and police practices in 2020, several bills were introduced to address the widespread systemic issues that were brought to light in the tragic police violence last year.

There was legislation blocking no-knock warrants (HB 2133), as well as creating Kansas Open Records Act requirements for releasing police footage (SB 198).

**Justice Reform** Another area where we sought to make headway was in regards to our broken justice system.

With a racist history and pervasive evidence of innocent people being wrongly executed, a bill was introduced to end the use of the death penalty in the state (HB 2300).

There was also a bill to decriminalize drugs (HB 2288), as well as expunge thousands of drug offenses and eliminate a felony charge for nonpayment of associated fines and fees (HB 2092). People of color statistically receive heavier sentences for drug crimes.

## Reproductive freedom threatened with constitutional amendment

Following a 2019 Kansas Supreme Court ruling (6-1 opinion) that the right to an abortion is protected by the Kansas Constitution,

legislators planned a ballot initiative for a constitutional amendment stripping people of that choice. 54 percent of voters said abortion should be legal in all or most cases.

In 2020 we succeeded in stopping the bill, but the new supermajority was able to get this item added to the 2022 Primary ballot, where voters will vote directly on the matter.





## Smart Justice: Legislation around law enforcement and the justice system

Much of our work this session was centered around criminal justice reform, including 69 bills tracked (62% of bills we tracked) and 15 testimonies delivered (68% of our total).

### License Plate Readers

One of the highlights of the session for the ACLU's stalwart policy team was blocking a bill that would allow police to use Artificial Intelligence (AI) to collect data on citizens but shield them from Kansas Open Records Act regulations.

This would have passed if not for the ACLU, the only extra-legislative organization that was in the room.

### Speedy Trial

The COVID-19 pandemic brought much of our court system to a screeching halt.

Because of the resulting backlog in cases, prosecutors proposed the suspension of speedy trial rights, dictated by Kansas statute, until 2024. In practice, this would have meant that the accused (who are presumed innocent until proven guilty) could be held in jail without receiving a trial for years.

We opposed that measure, fighting to keep speedy trial protections in place.

The legislature reached a compromise on the bill (HB 2078) and agreed to suspend the statutes in all criminal cases until March 1, 2023, and Gov. Laura Kelly ultimately signed the bill into law.

### Driver's License Suspensions

Research shows that about half of all people released from prison have difficulty obtaining a license because of unpaid court fines and fees. Many trying to re-enter society don't have the needed documents to get a license.

Two bills we supported to address these issues passed this session; they will take effect July 1.

These new laws eliminate the 90-day waiting period to get a license, expand eligibility for restricted driving privileges to work/school while paying fines, and allow judges to eliminate reinstatement fees, reduce fines or allow community service to make payments.

## Looking ahead to 2022

The ACLU of Kansas will be back next year to hold legislators accountable if they again attempt to strip Kansans of their constitutional rights. Together with the ACLU community, we will fight even harder for reform to make real this nation's promise of "liberty and justice for all."



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