

2017 LEGISLATIVE REVIEW

VICTORY: Make it Easier for Recently-Released People to Get a Job – Each year, thousands of Tennesseans are released from jail or prison after serving their time for a felony conviction, and finding a job is crucial to their ability to get a fresh start. ACLU-TN lobbied for legislation clarifying current law so that a person can obtain a certificate of employability separately from the lengthy and cumbersome process of restoring citizenship rights, helping recently-released people while reducing recidivism and making our communities safer — a win-win for everyone.



VICTORY: Shut Down Tennessee’s School-to-Prison Pipeline – ACLU-TN supported a measure dismantling the school-to-prison pipeline — the policies that push our state’s most at-risk schoolchildren out of classrooms and into the criminal justice system. Working with allies, we successfully supported legislation establishing a progressive truancy intervention program designed to keep children out of the court system and instead provide needed resources that address truancy’s causes, like bullying, learning disabilities and mental health issues.

VICTORY: Help Tennessee Youth Get Their Lives Back on Track – For a 17-year-old, a criminal record can be an insurmountable roadblock when applying to colleges, jobs, and scholarships. ACLU-TN drafted legislation and, with our Coalition for Sensible Justice partners, successfully lobbied in support of the legislation; the new law allows expungement of unruly and misdemeanor offenses a year after completing probation, lowers the age a juvenile may expunge their records from 18 to 17, and requires judges to inform youth when they are eligible for expungement. As part of our commitment to criminal justice reform, these two new laws help youth navigate the complex criminal justice system and become productive community members.



VICTORY: Kick Abusive Civil Asset Forfeiture Laws to the Curb – Every year, Tennessee law enforcement agencies rake in over \$14 million through civil asset forfeiture, by allowing them to seize property from someone who has not been convicted of a crime. ACLU-TN drafted, identified sponsors, and successfully lobbied in support of legislation that would increase awareness and transparency about this abusive practice; the new law creates stricter reporting requirements which ensure greater understanding and reform of this egregious practice.

LOSS: Exclude Severely Mentally Ill People from the Death Penalty – When a person suffering from severe mental illness commits a crime, they may have difficulty understanding the consequences and are more vulnerable to police pressure and more likely to give false confessions. ACLU-TN joined with the Tennessee Alliance for the Severe Mental Illness Exclusion to support a measure prohibiting death sentences for defendants suffering from severe mental illness at the time of committing first degree murder. While these individuals should be held accountable for their crimes, the State shouldn’t sentence them to death. The bill was deferred to Summer Study and we will continue to work with our allies to share information with legislators and build more support.

LOSS: Make Tennessee’s Drug-Free Zones More Effective – Currently, Tennessee’s drug-free zone laws, created during the Reagan era as part of the misguided “War on Drugs,” mandate lengthy sentences for any drug crime committed within 1,000 feet radius — about three football fields — of a school, child care center, public library, recreational center, or park. While protecting children from drugs is a laudable goal, the actual result of this law has been that people in Tennessee’s more densely populated areas are subject to a stricter standard of justice than those in the suburbs or rural counties. ACLU-TN lobbied in support of legislation reducing these zones by half and authorizing judges to sentence people based on the circumstances of the crime, not their location. While this legislation failed in committee, we will continue to work to oppose harsh mandatory-minimum sentences that harm communities.

VICTORY: Don’t Punish Tennesseans who Can’t Afford Court Fees – Under current Tennessee law, a person who was charged with a crime and has either served their time and is leaving prison or was found not guilty must pay off their court fees and fines within one year — or else have their driver’s license revoked. This unfair targeting of poor people who are unable to pay expensive legal fees has resulted in thousands of Tennesseans losing their means of getting and keeping a job, supporting their families and successfully moving on with their lives. With our Coalition for Sensible Justice partners, ACLU-TN successfully lobbied to change this punitive law, allowing people to keep their licenses if the loss of their license would cause them to experience extreme hardship in traveling to certain locations, such as school or work. This new law also allows people to keep their driver licenses if they have a payment plan in place with the courts for their fees and fines. In addition, the legislation allows a

judge to waive fees and fines if the individual is indigent and unable to pay.

VICTORY: Don't Force Local Law Enforcement to Become Immigration Agents – The election of Donald Trump and his promises of mass deportations fueled anti-immigrant measures at statehouses across the country. In Tennessee, legislators introduced a pre-emptive measure that would prohibit any state or local government entity from adopting or enacting a sanctuary policy or risk the loss of state funds. ACLU-TN lobbied against this legislation, arguing that local law enforcement is responsible for ensuring public safety in their communities not acting as immigration enforcement agents. The legislation was deferred until 2018.

VICTORY: Protect Free Speech on Tennessee College Campuses – From controversial speakers being cancelled to student athletes facing backlash for taking a knee during the national anthem to protests and counter-protests, First Amendment guarantees are being hotly debated on university campuses. The “Campus Free Speech Protection Act” reinforces the guarantees of free speech and expression, requiring public education institutions to give students the “broadest possible latitude” to discuss issues. With the ACLU-TN’s support, the legislation passed and was signed by the Governor into law.



LOSS: Stop Legislative Attempts to Open the Door for Anti-LGBT Discrimination – ACLU-TN joined with our LGBTQ partners and lobbied against a discriminatory measure requiring any undefined words in Tennessee Law “be given their natural and ordinary meaning.” This overly broad, vague legislation invites confusion into implementation of a wide range of laws affecting education, family relationships and health care for LGBT Tennesseans. At a press conference and in a letter, we urged Governor Haslam to veto the legislation and were very disappointed when he signed the bill into law. ACLU-TN will monitor the new law and is ready to challenge any unconstitutional, discriminatory practices that occur as a result of this narrow-minded legislation.



VICTORY: Stop the “Bathroom Bill” — Again – Once again, ACLU-TN led a broad coalition to defeat legislators’ attempts to harm transgender students by reintroducing a bill banning them from using the public school facilities that correspond with their gender identity. We mobilized opposition and reminded lawmakers that not only are such measures unlawful under Title IX, they potentially cost the state millions in lost jobs and tourist revenue. The bill failed after it did not get a motion for consideration in the Senate Education Committee.

LOSS: STOP Political Interference in Women’s Reproductive Health – Despite our best efforts and the Tennessee Attorney General’s opinion that it was “constitutionally suspect,” lawmakers passed a bill essentially banning abortions after 20-weeks except in medical emergencies while making the definition of “medical emergency” harder to meet, and placing the burden on doctors to prove their innocence should the state prosecute them under this law. ACLU-TN urged Governor Haslam to veto the legislation but he signed it into law when it reached his desk. We will continue to fight for a woman’s constitutional right to access comprehensive reproductive health-care without government interference.

VICTORY: Stop the Heartless “Heartbeat Bill” – ACLU-TN and our supporters defeated a dangerous bill prohibiting abortions after a fetal heartbeat is detected — as early as six weeks into a pregnancy, often before a woman even knows she’s pregnant. ACLU supporters swung into action, urging legislators to kill the unconstitutional legislation, and the bill was deferred until 2018.

LOSS: Expand Access to the Ballot Box – Voting is the cornerstone of our democracy, and ACLU-TN supported two bills introduced this session that would have increased access to the ballot box. One established automatic voter registration when a person applies for a driver’s license and another allowed election day voter registration. While the bills did not pass, ACLU-TN remains committed to expanding access to the ballot box.

VICTORY: Protect Voters from Being Purged from Voter Rolls – Until recently Tennessee law required that voters who have failed to vote in prior elections have their names removed from the voter rolls. This purge often happened without notice to the voter, who subsequently appeared at their precinct on Election Day and learned that they were unable to exercise their right to vote. When the Sixth Circuit Court of Appeals last fall struck down the practice of purging voters based on their failure to vote in prior elections as violating the National Voter Registration Act, ACLU-TN, the League of Women Voters and Demo urged the Tennessee Secretary of State and the State Election Commissioner to end their practice of purging voters for not voting in prior elections. After hearing our concerns, they filed legislation which we lobbied in support of and which passed unanimously and was signed into law.

