

## 2005 Legislative Session

It seemed that there were even more than the usual assaults on civil liberties—religious liberty, women, immigrants, gays and lesbians, you name it. With the great help of our lobbyist **Alice Lightle** we managed to fend off a good deal of them.

*Remember, nothing influences a legislator more than hearing from her constituents. So when we put out alerts, please make those calls and write those emails!*

### REPRODUCTIVE FREEDOM/WOMEN'S RIGHTS

We no longer have a pro-choice majority on the Senate Public Health Committee, so bills are getting through that never did in the past. Make sure your candidates, whatever party they claim, are pro-choice! We also need to **thank our brave abortion providers** for being willing to face increasing threats of prosecution, litigation, and mountains of red tape. The goal of the anti-choice folks is to discourage doctors from doing abortions, and it's working.

#### **MOTHER OF BABY BORN WITH DRUGS INVESTIGATED FOR NEGLECT—AGAINST, PASSED: SEN. TIM WOOLDRIDGE**

Adds to the legal definition of “neglect” the birth of a child with illegal drugs in it's system—no matter how little or what condition the child is in. Until now, the doctor could call DHS and let them decide whether to start a neglect investigation; the new law *requires* the doctor to call, and *requires* DHS to investigate.

There are only FIVE treatment centers in Arkansas for women with children or pregnant women, and they *all* have a waiting list.

#### **PARENTAL CONSENT FOR ABORTIONS—AGAINST, PASSED: REP. JEREMY HUTCHINSON**

Arkansas law already required *parental notification*. The new law not only requires *consent*, but requires the consent to be signed by a notary public. Unless the parent goes to the clinic (often a long trip from rural areas), the parent will have to use a local notary—and notaries public are not bound by rules of confidentiality.

Dr. Jerry Edwards, one of the three doctors performing abortions in Arkansas, testified that the truer scenario than that of a girl sneaking off to get an abortion, was that of parents dragging a girl in to have an abortion she didn't want (in which case he doesn't do it).

#### **BANNING SO-CALLED “PARTIAL-BIRTH” ABORTIONS—AGAINST, DIED: REP. BILL PRITCHARD**

Another version of this bill passed a few years ago; we warned them it was unconstitutional because it had no exception to protect the *woman's health*. It was predictably struck down in federal court.

They tried to reintroduce it *with* the health exception—causing the anti-choice folks to withdraw support! To them a woman's health is clearly secondary to the life of a fetus. The bill failed.

#### **“UNBORN CHILD PAIN AWARENESS AND PREVENTION ACT”—AGAINST, PASSED: SEN. SHAWN WOMACK**

Requires doctors to give patients seeking abortions at 20 weeks or older with State-written information on fetal pain 24 hours before the procedure. Very few abortions are performed that late; if they are it is often due to serious health issues with the mother or the fetus. At such a time, the last thing a mother should be forced to know is what pain her fetus might feel (this is still an unsettled question). Failure to comply can subject the doctor to civil *and criminal* liability.

#### **ENHANCED PENALTIES FOR DRUG POSSESSION FOR PREGNANT WOMEN—AGAINST, FAILED: REP. TIMOTHY HUTCHINSON**

The bill did not even address drug *use*. Even the committee saw this wasn't right.

#### **ARKANSAS HEALTH CARE RIGHTS OF CONSCIENCE ACT—AGAINST, WITHDRAWN: SEN. JACK**

## CRITCHER

Would have allowed health care providers and institutions to refuse to participate in a procedure if it violates their conscience. While we agree with the right of an individual to make such a refusal, there was 1) no requirement the employee tell the employer ahead of time what they wouldn't do, 2) no requirement for the institution to tell the patient what they wouldn't do in advance, either, and 3) no requirement to provide the woman a referral.

SOME GOOD STUFF.....

### **THE EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE ACT—FOR, PASSED!:** **REP. JOYCE ELLIOT**

Does exactly what it suggests in the title and passed to our amazement! There are exceptions, though, for religious employers for instance.

### **REQUIRING HEALTH CARE PROVIDERS TO PROVIDE OR ADVISE RAPE VICTIMS ABOUT EMERGENCY CONTRACEPTION—FOR, DIED: REP. JOYCE ELLIOTT**

Another great bill that might have made it, but ran out of time.

## CHURCH AND STATE

As usual, there were a couple of doozies!

### **REQUIRING THE TEACHING OF “INTELLIGENT DESIGN THEORY” ALONGSIDE EVOLUTION—AGAINST, FAILED: REP. MARK MARTIN**

The title says it all. As we know, “intelligent design theory” claims that there is an intelligent, purposeful design to the universe—clearly a religious concept. With the help of the National Center for Science and Education, we worked behind the scenes to kill this bill.

### **ALLOWING “STUDENT-LED AND STUDENT-INITIATED” PRAYER AT PUBLIC SCHOOLS FUNCTIONS—AGAINST, FAILED: REP. BILL PRITCHARD**

Apparently the sponsor wasn't aware of the 2000 Supreme Court decision regarding such prayers: while private, non-disruptive prayers are always admissible, as we testified, a student may not use the P.A. system on the football field. The bill was killed in the Senate.

## GAY AND LESBIAN RIGHTS

### **TO AMEND THE CIVIL RIGHTS STATUTE TO INCLUDE GAY MEN AND LESBIANS—OUR BILL, FAILED: LINDSLEY SMITH**

This bill would have simply made it illegal to discriminate against gay men and lesbians in employment, housing, and public accommodations. We had a good hearing, including the clergy, a former prominent businessman, and the written testimony of the CEO of Acxiom in support of the bill. The room was packed with supporters, straight and gay. The bill was bound to fail, but we did some education, got the conversation started, and hope to have good hearings in the interim.

### **ORIGINALLY BANNING GAY MEN AND LESBIANS FROM BEING FOSTER OR ADOPTIVE PARENTS—AGAINST, FAILED: REP. BOB ADAMS**

This bill was an attempt to undo the success we had in striking down the regulation banning gay and lesbian foster parents. We helped kill it in the Senate.

### **“THE SCHOOL TEXTBOOK MARRIAGE PROTECTION ACT”—AGAINST, FAILED: REP. ROY RAGLAND**

Required that all textbooks containing a definition of marriage define marriage as the union of one man and one woman. It failed in the Senate.

## IMMIGRANT'S RIGHTS

**ALLOWING THE STATE POLICE TO ENFORCE FEDERAL IMMIGRATION LAWS—AGAINST, PASSED: REP.**

## **TIMOTHY HUTCHINSON**

There was a lot of opposition to this bill, even from the State Police. Our biggest fear is that it will lead to more racial profiling—more reasons to detain people who look Latino or Middle Eastern....

### **DENYING BENEFITS TO UNDOCUMENTED PEOPLE—AGAINST, FAILED: SEN. JIM HOLT**

Required that public service providers demand proof of citizenship before offering services (even prenatal care). It then required these agencies to act as immigration police by having them report undocumented people to federal authorities. In addition, it required that one show proof of citizenship to vote—something that could diminish voter turnout in general, and of the poor specifically: how many citizens even have proof of citizenship on hand (a passport or birth certificate)?

## **MISCELLANEOUS**

### **EXTENDING HEARING PERIOD IN TEMPORARY GUARDIANSHIPS—AGAINST, DIED: REP. MARVIN CHILDERS**

This bill was an attempt to extend the period between the granting of a temporary guardianship by a judge at an *ex parte* hearing (where the person whose guardianship is sought is not present) and the full hearing (where the person and her attorney can be present). Current law says 3 days (pursuant to a lawsuit filed by our own Grif Stockley when he was with Legal Services) and the Representative wanted to up it (at the judges' request, he said) to 10 days. This means if a child is after her father's assets and convinces a judge he's senile and needs to be institutionalized: it would be 10 working days before he got his day in court, and she has 10 to get at Dad's assets, while Dad is forced into a nursing home he may not belong in. We testified and the sponsor eventually dropped it.

### **ARKANSAS VERSION OF "REAL ID"—AGAINST, PASSED: REP. DOUG MATAYO**

Federal legislation was passed to create national standards for driver's licenses, largely having to do with verifying citizenship/immigration status. There is talk of embedding in the card additional private information—essentially creating a national ID card. The federal standards have not been set yet, but the sponsor jumped the gun and got this law through with its own standards. Even DFA opposed this bill—meaning we may just have to redo the standards and we'll lose out on some federal funding that was going to be available to the states to change their standards. But anti-immigrant bills make you popular with certain constituents.