

2019

LEGISLATIVE RUNDOWN



EQUAL PROTECTION UNDER THE LAW

We seek to tear down systems that oppress people based on classifications such as their race, sex, sexual orientation, gender identity, immigration status, religion, national origin, familial status, socio-economic status, disability, ex-offender status, prisoner/ detainee status, history of substance abuser, HIV status or status as a sex worker.

LGBTQ Equality

With marriage equality in the Mountain State, it's time legislators provide housing and employment protections for LGBTQ+ West Virginians and stop legislating bathrooms and entertaining so-called "religious freedom" legislation. Now more than ever it is important that West Virginia has enumerated protections for sexual orientation and gender identity.

Immigrant Rights

There is a surge in racist anti-immigrant legislation coming out of the WV Legislature. This type of policymaking plays into irrational fears that has zero basis in fact. Immigrants have always been and continue to be a vital part of West Virginia culture and the economy.

Diverse Public Schools

The WV Legislature is attempting to push through an "Omnibus Education Bill" with provisions for charter schools and education savings accounts, both of which reproduce and exacerbate segregation, whether intended or not. ESAs and other voucher-like systems deprive students of rights and protections they are awarded in public schools and provide public funding to private institutions that discriminate on the basis of race, religion, sex, economic background, ethnicity, disability, sexual orientation, gender identity and/or familial status.



CRIMINAL JUSTICE

The criminal justice system is ineffective, unfair and expensive. We will work to reform the cash bail system, end the war on drugs, reform prisons, increase opportunities for reentry and rehabilitation of felons, increase the use of restorative justice, unlawful searches and seizures, warrant violations, police misconduct, racial disparities and civil asset forfeiture to create a more just and fair system.

Bail Reform

Our legal system is built around the idea that people are innocent until proven guilty. However, the reality is that thousands of people in West Virginia spend days, weeks, and months in jail without ever having been found guilty of a crime. Instead they're in jail because they cannot afford to pay bail.

Cannabis Legalization

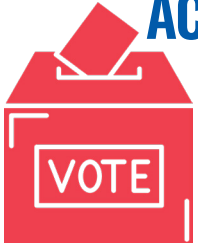
In 2017, the West Virginia Legislature passed Senate Bill 386, which provides for the legalization of medicinal cannabis. Now is the time we work to decriminalize cannabis and pass laws that allow for recreational use.

Civil Asset Forfeiture

Under current law, police can seize and take ownership of individual West Virginians' property without ever charging or convicting them of a crime. This progressive legislation would combine criminal prosecutions and forfeiture actions into one court proceeding and require conviction to allow for forfeiture. Additionally, the law enforcement agency that seized the property would no longer receive the proceeds of the forfeiture, thus ending the perverse incentive to abuse the forfeiture system.

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ACCESS TO DEMOCRACY

Democracy is under attack. We will protect voting rights, fight voter suppression, advocate for increased government transparency, end unfair gerrymandering practices, expand individual access to civil courts, encourage unbiased government officials, and improve public education.

Voter ID

Since the passage of the voter ID law in 2016, there have already been efforts to narrow the list of acceptable ID's. The ACLU-WV should be prepared for another attempt and prepared to defend against any attempt to rollback or limit the list of acceptable ID's.

Judicial Election Reform

The top-vote-getter in both Supreme Court elections won with the support of significantly less than a majority of voters. We can reform this broken practice by instituting rank choice voting or establishing a runoff during the general election if no candidate gets a majority of the votes.

Voter Registration for the Formerly Incarcerated

The vast majority of felons in West Virginia are free to vote once they have completed their sentence. Under SB 236 the state would notify reintegrating citizens of their right to vote and provide them with a voter registration form one week of completing their sentence and regaining their eligibility to vote.



JUVENILE JUSTICE REFORM

There is no justice for children caught up in the so-called juvenile justice system. Children in West Virginia are housed in facilities that for all intents and purpose are prisons. They can spend long periods of time in the facilities, sometimes for non-criminal status offenses.

Classrooms NOT Courtrooms

This legislation would create a pilot program combing school-based health centers, with a model known as school-based diversion, where before a school can take substantial disciplinary action, the student must be diverted through a mental or behavioral health assessment, and treatment if warranted.

Truancy Reform

After the victory in the 2015 legislative session to relax draconian truancy laws, West Virginia education officials are again highlighting absenteeism as a problem in the state. Rather than looking to root causes, the desire appears to be to once again tighten the law, causing more youth and families to become system-involved. The ACLU-WV will oppose any efforts like this.



REPRODUCTIVE JUSTICE

The basic constitutional right to privacy includes the right to make personal decisions about reproduction and family life without government interference. Reproductive freedom, including access to abortion, contraception, sex education, and family leave, is under attack in the United States and in West Virginia.

Decriminalizing Abortion

West Virginia still has obsolete code criminalizing abortion. While that code is not enforceable under federal law, the confirmation of Brett Kavanaugh, the passage of Amendment 1, and the state's assertion that code can be instantly revived, it is imperative that this code be removed.