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MEMORANDUM

TO: ACLU of PA Board of Directors
ACLU of PA Staff
Interested Parties

FROM: Andy Hoover, Legislative Director

DATE: February 17, 2011

RE: QUARTERLY LEGISLATIVE UPDATE

The Pennsylvania General Assembly convened its new session in January. As of this writing, the legislature has held three weeks of session, and already several of our issues are at the fore of the debate.

School vouchers (Senate Bill 1)

SB 1 provides state-funded vouchers to low-income students to attend private or parochial schools or other public schools. The ACLU of PA opposes SB 1 because it violates three separate provisions of the state constitution and because it provides state funding to schools that can and do discriminate against kids for a variety of reasons, including intellectual and physical disabilities, sexual orientation, gender identity or expression, religion, and an inability to speak English.

Sara Rose, one of our staff attorneys, has completed a legal analysis that explains the constitutional problems with SB 1.

The Senate Education Committee held a hearing on the bill on February 16. I submitted testimony for that hearing. We've heard that the committee will vote on the bill on March 1. I expect that the Senate will vote on it sometime this spring, but a timeline in the House is unknown.

ACLU-PA is involved in a coalition opposing the bill. Other organizations in the coalition include teachers, school boards, parents, teachers, civil rights groups, and faith-based advocates.

Our testimony and legal analysis are available on our website at aclupa.org/legislation.

Reproductive Rights (Senate Bill 3, fallout from Gosnell indictment)

SB 3 prohibits insurance companies that participate in the insurance exchanges created by healthcare reform from offering coverage for abortion care. This includes instances in which the customer is paying for the coverage with her own money. The federal Patient Protection and Affordable Care Act bans patients from spending government subsidies on

abortion care but does allow them to spend their own money for abortion coverage within the exchanges. SB 3 shuts off that opportunity.

SB 3 passed out of the Senate Banking and Insurance Committee in January. As of today, it is currently on the Senate calendar, but we expect that it will first go to the Senate Appropriations Committee. The timing of a Senate vote on the bill is not certain.

As you may know, Dr. Kermit Gosnell from Philadelphia has been indicted in the murder of two women and seven babies. Gosnell allegedly provided improper abortion care, kept his clinic in filthy conditions, and over-drugged his patients. Governor Corbett recently announced the dismissal of state employees who were responsible for oversight and announced changes to the inspection process to ensure that clinics are inspected regularly and that patients are able to file complaints. He did not announce any changes that will make it more difficult to access care.

Meanwhile, five legislators have announced their intention to introduce bills in reaction to the Gosnell indictment. Two of those bills will require abortion clinics to follow the same requirements as ambulatory surgical centers. Those requirements would force clinics to overhaul their operations and would make it more difficult for clinics to provide care and for patients to access care. We will oppose those bills.

Immigration (Senate Bill 9)

SB 9 requires applicants for public aid, with a few exceptions, to show government-issued identification or be denied. We oppose this bill. Supporters claim undocumented immigrants are fraudulently obtaining benefits, without any proof, but the real victims of this bill will be eligible citizens who do not have government-issued ID.

SB 9 has passed the Senate twice previously and passed out of the Senate State Government Committee in February. It is expected to pass the Senate soon. Its future in the House is uncertain.

Criminal Justice

The Senate Judiciary Committee passed SB 42, placing further restrictions on former sex offenders, and the House Judiciary Committee passed three bills adding new substances to the banned substances law. I have not done a lot of work on these bills but am monitoring them.

If you have any questions, you are welcome to contact me.