STATE OF NEW YORK

10263

IN ASSEMBLY

March 27, 2018

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to enacting the New York religious freedom act

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known, and may be cited, as the "New York religious freedom act".

§ 2. Legislative intent. The Legislature finds and declares all of the following:

(a) In New York, we celebrate the rich cultural heritage and diversity of our residents.

(b) Freedom of religion and protection from persecution are founding ideals of our nation.

(c) New York must uphold the protection of religious freedom enshrined in the United States Constitution for all of its people, and the state has a moral obligation to protect its citizens from religious persecution.

(d) Section 3 of Article I of the New York state Constitution guarantees the free exercise and enjoyment of religion without discrimination or preference.

§ 3. The civil rights law is amended by adding a new section 16 to read as follows:

§ 16. New York religious freedom act. 1. Notwithstanding any other law, a state or local agency or public employee acting under color of law shall not:

(a) Provide or disclose to federal government authorities personally identifiable information regarding the religious beliefs, practices, or affiliation of any individual for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity.

(b) Use agency money, facilities, property, equipment, or personnel to assist in creation, implementation, or enforcement of any government program compiling a list, registry, or database of personally identifi-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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able information about individuals based on religious belief, practice, or affiliation, or national origin or ethnicity, for law enforcement or immigration purposes.

(c) Make personally identifiable information from agency databases available, including any databases maintained by private vendors contracting with the agency, to anyone or any entity for the purpose of investigation or enforcement under any government program compiling a list, registry, or database of individuals based on religious belief, practice, or affiliation, or national origin or ethnicity for law enforcement or immigration purposes.

2. Notwithstanding any other law, state and local law enforcement agencies shall not:

(a) Collect information on the religious belief, practice, or affiliation of any individual except: (1) as part of a targeted investigation of an individual based on reasonable suspicion to believe that individual has engaged in criminal activity, and when there is a clear nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation; or (2) where necessary to provide religious accommodations.

(b) Use agency money, facilities, property, equipment, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation, or warrant for a violation, of any requirement that individuals register with the federal government or any federal agency based on religion, national origin, or ethnicity.

3. Any agreements in existence on the effective date of this section that make any agency or department information or database available in conflict with the terms of this section are terminated on that date to the extent of the conflict.

4. Nothing in this section prohibits any state or local agency from sending to, or receiving from, any local, state, or federal agency, information regarding an individual's citizenship or immigration status. "Information regarding an individual's citizenship or immigration status, lawful or unlawful" for purposes of this section, shall be interpreted consistent with Sections 1373 and 1644 of Title 8 of the United States Code.

5. Nothing in this section is intended to prevent any state or local agency from compiling aggregate non-personally identifiable information about religious belief, practice, or affiliation, national origin or ethnicity or from exchanging it with other local, state, or federal agencies.

§ 4. This act shall take effect immediately.