

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:

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

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

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

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

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

13 (d) Section 3 of Article I of the New York state Constitution guaran-
14 tees the free exercise and enjoyment of religion without discrimination
15 or preference.

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

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

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

26 (b) Use agency money, facilities, property, equipment, or personnel to
27 assist in creation, implementation, or enforcement of any government
28 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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1 able information about individuals based on religious belief, practice,
2 or affiliation, or national origin or ethnicity, for law enforcement or
3 immigration purposes.

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

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

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

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

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

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

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

42 § 4. This act shall take effect immediately.