

STATE OF NEW YORK

3273

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. ORTIZ, DICKENS, JAFFEE, ARROYO, TAYLOR, COOK --
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 Assem-
bly, 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.

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

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1 (b) Use agency money, facilities, property, equipment, or personnel to
2 assist in creation, implementation, or enforcement of any government
3 program compiling a list, registry, or database of personally identifi-
4 able information about individuals based on religious belief, practice,
5 or affiliation, or national origin or ethnicity, for law enforcement or
6 immigration purposes.

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

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

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

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

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

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

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

45 § 4. This act shall take effect immediately.