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S.79

Introduced by Senators Sears, Ashe, Balint, and Degree

Referred to Committee on

Date:

Subject: Internal security; public safety; privacy

Statement of purpose of bill as introduced: This bill proposes to promote public safety by protecting Vermont residents from compulsory collection of personally identifying information, or dissemination of that information for purposes of establishing a mandatory federal registry or database.

An act relating to freedom from compulsory collection of personal information

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The Legislature finds and declares the following:

(1) In Vermont, we celebrate the rich cultural heritage and diversity of our residents.

(2) All Vermonters should be free from discrimination on the basis of their sex, sexual orientation, gender identity, marital status, race, color, religion, national origin, immigration status, age, or disability.

1           (3) Vermont must uphold the protection of religious freedom enshrined  
2           in the U.S. Constitution and the Vermont Constitution for all its people, and  
3           the State has a moral obligation to protect its residents from religious  
4           persecution.

5           (4) Article 3 of Chapter I of the Vermont Constitution prohibits any  
6           power from assuming any authority that interferes with or controls, in any  
7           manner, the rights of conscience in the free exercise of religious worship.

8           (5) Article 7 of Chapter I of the Vermont Constitution, also known as  
9           the Common Benefits Clause, provides that State benefits and protections are  
10          “for the common benefit, protection, and security of the people, nation, or  
11          community, and not for the particular emolument or advantage of any single  
12          person, family, or set of persons, who are a part only of that community.”

13          (6) Article 19 of Chapter I of the Vermont Constitution provides that all  
14          people have a natural and inherent right to emigrate from one state to any other  
15          that will receive them.

16          (7) Vermont residents therefore have a right to privacy with respect to  
17          religious affiliation and an expectation that religious affiliation or identification  
18          shall not affect their residency in the State.

19          (8) Through the Common Benefits Clause, Vermont residents are  
20          afforded the benefits and protections of law enforcement and public safety  
21          without regard to their sex, sexual orientation, gender identity, marital status,

1 race, color, religion, national origin, immigration status, age, or disability.

2 Consequently, they have a reasonable expectation that government officials  
3 will not monitor them or otherwise single them out merely on the basis of these  
4 characteristics.

5 (9) Vermont State and local law enforcement work tirelessly to protect  
6 the rights and security of all Vermonters afforded them under the Vermont and  
7 U.S. Constitutions. Moreover, Vermont residents benefit from and are safer  
8 through the cooperative and mutually beneficial interaction between local,  
9 State, and federal law enforcement, including the U.S. Border Patrol.

10 (10) Vermont residents who are secure in their person, homes, and  
11 surroundings are more likely to engage with law enforcement and public safety  
12 and other officials and to participate in civic and economic activity and  
13 promote public safety by reporting emergencies, crimes, and acting as  
14 witnesses. In addition, they are more likely to participate in other forms of  
15 civic engagement if they can be assured they will not be singled out solely on  
16 the basis of the personal characteristics described in this section.

1 Sec. 2. 20 V.S.A. chapter 207 is added to read:

2 CHAPTER 207. FREEDOM FROM COMPULSORY COLLECTION OF  
3 PERSONALLY IDENTIFYING INFORMATION

4 § 4651. COLLECTION AND DISCLOSURE OF PERSONALLY  
5 IDENTIFYING INFORMATION

6 (a) As used in this section, “personally identifying information” means  
7 information concerning a person’s sex, sexual orientation, gender identity,  
8 marital status, race, color, religion, national origin, immigration status, age, or  
9 disability.

10 (b) Upon the effective date of this legislation, no employee or agent of a  
11 State, county, or municipal government agency shall:

12 (1) collect information regarding the private religious beliefs, practices,  
13 or affiliation of any individual for the purpose of registration;

14 (2) provide or disclose to federal government authorities personally  
15 identifiable information for the purpose of the registration of individuals; or

16 (3) use agency money, facilities, property, equipment, or personnel to  
17 assist in creating or enforcing any federal government program for the  
18 registration of individuals.

19 (c) Any agreements in existence on the effective date of this section that  
20 make any agency or department information or database available in conflict

1 with the terms of this chapter are terminated on that date to the extent of the  
2 conflict.

3 (d) Nothing in this section is intended to prohibit or impede any State or  
4 local agency from complying with the lawful requirements of 8 U.S.C. §§ 1373  
5 and 1644. To the extent any State or local law enforcement policy or practice  
6 conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, said  
7 policy or practice is, to the extent of such conflict, abolished.

8 (e) Nothing in this section is intended to prevent any State, county, or  
9 municipal agency from exchanging aggregated, deidentified information with  
10 other local, state, or federal agencies.

11 § 4652. GOVERNOR AUTHORIZED TO ENTER INTO AGREEMENTS  
12 PURSUANT TO 8 U.S.C. § 1357(g) AND 19 U.S.C. § 1401(i)

13 (a) Only the Governor may enter into a Memorandum of Agreement or  
14 other agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i).

15 (b) A State, county, or municipal law enforcement agency may enter into a  
16 Memorandum of Agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C.  
17 § 1401(i) where necessary to preserve the public safety or welfare of  
18 Vermonters after a declaration of State or national emergency.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on July 1, 2017.