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S.79

Senator Sears moves that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. FINDINGS AND LEGISLATIVE INTENT

The General Assembly finds that:

(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.

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

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

(5) Article 7 of Chapter I of the Vermont Constitution, also known as the Common Benefits Clause, provides that State benefits and protections are “for the common benefit, protection, and security of the people, nation, or

1 community, and not for the particular emolument or advantage of any single
2 person, family, or set of persons, who are a part only of that community.”

3 (6) Vermont residents have a right to privacy with respect to religious
4 affiliation and an expectation that religious affiliation or identification shall not
5 affect their residency in the State.

6 (7) Vermont residents are afforded the benefits and protections of law
7 enforcement and public safety without regard to their sex, sexual orientation,
8 gender identity, marital status, race, color, religion, national origin,
9 immigration status, age, or disability. Consequently, they have a reasonable
10 expectation that government officials will not monitor them or otherwise single
11 them out merely on the basis of these characteristics.

12 (8) Vermont State and local law enforcement work tirelessly to protect
13 the rights and security of all Vermonters afforded them under the Vermont and
14 U.S. Constitutions.

15 (9) Vermont residents are more likely to engage with law enforcement
16 and other officials and to participate in economic activity and civic
17 engagement if they can be assured they will not be singled out solely on the
18 basis of the personal characteristics described in this section.

19 (10) This act is not intended to interfere with criminal immigration
20 enforcement actions or with the sharing of information relating to these
21 actions.

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

2 CHAPTER 207. PROTECTION OF PERSONALLY IDENTIFYING
3 INFORMATION

4 § 4651. PROHIBITED DISCLOSURE OF PERSONALLY IDENTIFYING
5 INFORMATION

6 (a) As used in this section:

7 (1) “Personally identifying information” means information concerning a
8 person’s sex, sexual orientation, gender identity, marital status, race, color,
9 religion, national origin, immigration status, age, or disability.

10 (2) “Public agency” has the same meaning as in 1 V.S.A. § 317 and
11 shall include all officers, employees, agents, and independent contractors of the
12 public agency.

13 (b) A public agency shall not:

14 (1) knowingly disclose personally identifying information to any federal
15 agency or official for the purpose of the registration of individuals; or

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

19 (c) Any section, term, or provision of an agreement in existence on the
20 effective date of this section that conflicts with subsection (b) of this section
21 shall be invalidated on that date to the extent of the conflict.

1 (d) Nothing in this section shall prohibit any public agency from complying
2 with 8 U.S.C. §§ 1373 and 1644.

3 (e) Nothing in this section shall prohibit any public agency from disclosing
4 or exchanging aggregated information that cannot be used to identify an
5 individual with any other public agency or federal agency or official.

6 § 4652. GOVERNOR AUTHORIZED TO ENTER INTO AGREEMENTS

7 PURSUANT TO 8 U.S.C. § 1357(g) AND 19 U.S.C. § 1401(i)

8 (a) Notwithstanding any other provision of law, only the Governor, with
9 the advice and consent of the Senate, is authorized to enter into, modify, or
10 extend an agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i).

11 (b) Notwithstanding subsection (a) of this section, a State, county, or
12 municipal law enforcement agency may enter into an agreement pursuant to
13 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i) when:

14 (1) necessary to preserve the public safety or welfare; and

15 (2) a State or national emergency has been declared.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.