

1 S.79

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

4 Sec. 1. FINDINGS AND LEGISLATIVE INTENT

5 The General Assembly finds that:

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

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

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

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

18 (5) Article 7 of Chapter I of the Vermont Constitution, also known as
19 the Common Benefits Clause, provides that State benefits and protections are
20 “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. They likewise have a
12 reasonable expectation that State and local government officials will not
13 contribute to the creation or development of a registry based on personal
14 characteristics identified in this section. Indeed, Vermont residents have
15 expressed grave concerns that the federal government seeks to create or
16 develop such a registry, which would be contrary to Vermont and American
17 values. This act is intended to narrowly address those concerns without
18 impeding Vermont residents’ enjoyment of other legal rights and benefits.

19 (8) Vermont State and local law enforcement work tirelessly to protect
20 the rights and security of all Vermonters afforded them under the Vermont and
21 U.S. Constitutions. Moreover, Vermont residents benefit from and are safer

1 through the cooperative and mutually beneficial interaction between local,
2 State, and federal law enforcement, including the U.S. Border Patrol.

3 (9) Vermont residents are more likely to engage with law enforcement
4 and other officials by reporting emergencies, crimes, and acting as witnesses,
5 to participate in economic activity, and to be engaged in civic life if they can
6 be assured they will not be singled out solely on the basis of the personal
7 characteristics described in this section.

8 (10) This act is not intended to interfere with criminal felony
9 immigration enforcement actions, with the sharing of information relating to
10 these actions, or with the sharing of information concerning other law
11 enforcement and public safety actions, initiatives or operations.

12 (11) The State of Vermont therefore has a substantial, sovereign interest
13 in prohibiting State and local government officials from collecting or
14 disseminating certain information to federal authorities for the purposes of
15 registration of its residents based on the personal characteristics described in
16 section. These prohibitions are not intended to interfere with Vermont
17 residents' rights to free and equal access to government benefits and protection
18 or the collection or sharing of data necessary to provide such benefits and
19 protections.

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) collect information regarding the religious beliefs, practices, or
15 affiliation of any individual for the purpose of registration;

16 (2) knowingly disclose personally identifying information to any federal
17 agency or official for the purpose of the registration of individuals; or

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

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

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

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

9 § 4652. GOVERNOR AUTHORIZED TO ENTER INTO AGREEMENTS

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

11 (a) Notwithstanding any other provision of law, only the Governor, in
12 consultation with the Attorney General _____, is authorized to enter into,
13 modify, or extend an agreement pursuant to 8 U.S.C. § 1357(g) or 19 U.S.C.
14 § 1401(i).

15 (b) Notwithstanding subsection (a) of this section, a State, county, or
16 municipal law enforcement agency may enter into an agreement pursuant to
17 8 U.S.C. § 1357(g) or 19 U.S.C. § 1401(i) when:

18 (1) necessary to preserve the public safety or welfare of Vermonters;
19 and

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

21 Sec. 3. EFFECTIVE DATE

1 This act shall take effect on passage.