

1 S.302

2 Introduced by Senators Vyhovsky, Gulick and White

3 Referred to Committee on

4 Date:

5 Subject: Internal security and public safety; protection of personally
6 identifying information

7 Statement of purpose of bill as introduced: This bill proposes to limit the
8 collection of immigration information by public agencies.

9 An act relating to limiting the collection of personally identifying
10 information

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

12 Sec. 1. 20 V.S.A. § 4651 is amended to read:

13 § 4651. PROHIBITED DISCLOSURE OF PERSONALLY IDENTIFYING
14 INFORMATION

15 (a) As used in this section:

16 (1) "Personally identifying information" means information concerning
17 a person's sex, sexual orientation, gender identity, marital status, race, color,
18 religion, national origin, immigration status, age, or disability.

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

4 (b) A public agency shall not:

5 (1) collect information regarding the:

6 (A) immigration status of an individual, unless the collection is for a
7 specific and articulable purpose required by State or federal law; or

8 (B) religious beliefs, practices, or affiliation of any individual for the
9 purpose of registration of an individual based on his or her the individual’s
10 religious beliefs, practices, or affiliations;

11 (2) knowingly disclose personally identifying information to any federal
12 agency or official for the purpose of registration or tracking of an individual
13 based on ~~his or her~~ the individual’s personally identifying information; or

14 (3) use public agency money, facilities, property, equipment, or
15 personnel to assist in creating or enforcing any federal government program for
16 the registration of an individual based on ~~his or her~~ the individual’s personally
17 identifying information.

18 (c) Any section, term, or provision of an agreement in existence on the
19 effective date of this section (March 28, 2017) that conflicts with subsection
20 (b) of this section shall be invalidated on that date to the extent of the conflict.

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

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

10 Sec. 2. REPORTING OF CONTINUED COLLECTION OF IMMIGRATION
11 INFORMATION

12 Each public agency that, after the effective date of this act, continues to
13 collect immigration status information of individuals residing in this State
14 shall, on or before December 15, 2026, submit to the Office of the Attorney
15 General in a form and manner prescribed by the Office a written explanation as
16 to why the public agency continues to collect the information. The explanation
17 shall include a reference to the specific State or federal law that the public
18 agency believes requires the continued collection. The Office shall compile
19 the explanations it receives from public agencies pursuant to this section and
20 shall, on or before March 15, 2027, provide a written report to the House and
21 Senate Committees on Judiciary that summarizes the explanations and

1 provides an opinion as to whether the continued collections comply with this
2 act.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.