

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2097

Chapter 303, Laws of 2018

(partial veto)

65th Legislature
2018 Regular Session

RELIGIOUS AFFILIATION--DISCLOSURE

EFFECTIVE DATE: June 7, 2018

Passed by the House March 5, 2018
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2018
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Approved March 28, 2018 1:30 PM with
the exception of Section 6, which is
vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is
ENGROSSED HOUSE BILL 2097 as passed
by House of Representatives and the
Senate on the dates hereon set
forth.

BERNARD DEAN

Chief Clerk

FILED

March 29, 2018

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2097

AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

State of Washington **65th Legislature** **2017 Regular Session**

By Representatives Stanford, Fitzgibbon, Ortiz-Self, Senn, Pettigrew, Jinkins, Kagi, Lytton, Ormsby, Peterson, Pollet, Ryu, Farrell, Santos, Appleton, and Macri

Read first time 02/13/17. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting disclosure of information about the
2 religious affiliation of individuals; adding a new section to chapter
3 49.60 RCW; adding a new section to chapter 42.56 RCW; adding a new
4 chapter to Title 42 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds and declares the
7 following:

8 (1) Washington state celebrates the rich cultural heritage and
9 diversity of its residents; and

10 (2) Freedom of religion and protection from persecution on the
11 basis of religion is one of the founding ideals of the nation.

12 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.60
13 RCW to read as follows:

14 It is an unfair practice for an employer to:

15 (1) Require an employee to disclose his or her sincerely held
16 religious affiliation or beliefs, unless the disclosure is for the
17 purpose of providing a religious accommodation at the request of the
18 employee; or

19 (2) Require or authorize an employee to disclose information
20 about the religious affiliation of another employee, unless the

1 individual whose religious affiliation will be disclosed (a)
2 expressly consents to the disclosure, and (b) has knowledge of the
3 purpose for the disclosure.

4 NEW SECTION. **Sec. 3.** A state or local government agency or
5 public employee shall not:

6 (1) Provide or disclose to federal government authorities
7 personally identifiable information regarding the religious beliefs,
8 practices, or affiliation of any individual, except where the
9 employee is a witness to a crime;

10 (2) Use public funds, facilities, property, equipment, or
11 personnel to assist in creation, implementation, or enforcement of
12 any government program compiling a list, registry, or database of
13 personally identifiable information about individuals based on
14 religious beliefs, practice, or affiliation, for law enforcement or
15 immigration purposes; or

16 (3) Make personally identifiable information from agency
17 databases available, including any databases maintained by private
18 vendors contracting with the agency, to anyone or any entity for the
19 purpose of investigation or enforcement under any government program
20 compiling a list, registry, or database of individuals based on
21 religious belief, practice, or affiliation, or national origin, or
22 ethnicity for law enforcement or immigration purposes.

23 NEW SECTION. **Sec. 4.** State and local law enforcement agencies
24 shall not:

25 (1) Collect information on the religious belief, practice, or
26 affiliation of any individual except (a) as part of a criminal
27 investigation of an individual based on reasonable suspicion that the
28 individual has engaged in criminal activity, and when there is a
29 nexus between the criminal activity and the specific information
30 collected about religious belief, practice, or affiliation, or (b)
31 where necessary to provide religious accommodations; or

32 (2) Use public funds, facilities, property, equipment, or
33 personnel to investigate, enforce, or assist in the investigation or
34 enforcement of any criminal, civil, or administrative violation, or
35 warrant for a violation, of any requirement that individuals register
36 with the federal government or any federal agency based on religion.

1 NEW SECTION. **Sec. 5.** Any agreements in existence on the
2 effective date of this section that make any state or local
3 government agency information or database available in conflict with
4 the terms of this chapter are terminated on that date to the extent
5 of the conflict.

6 *NEW SECTION. **Sec. 6.** **Sections 3 through 5 of this act**
7 **constitute a new chapter in Title 42 RCW.**
***Sec. 6 was vetoed. See message at end of chapter.**

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 42.56
9 RCW to read as follows:
10 All records that relate to or contain personally identifying
11 information about an individual's religious beliefs, practices, or
12 affiliation are exempt from disclosure under this chapter.

 Passed by the House March 5, 2018.
 Passed by the Senate February 27, 2018.
 Approved by the Governor March 28, 2018, with the exception of
certain items that were vetoed.
 Filed in Office of Secretary of State March 29, 2018.

 Note: Governor's explanation of partial veto is as follows:
 "I am returning herewith, without my approval as to Section 6,
Engrossed House Bill No. 2097 entitled:
 "AN ACT Relating to limiting disclosure of information about the
religious affiliation of individuals."

Engrossed House Bill 2097 prohibits employers, state or local
governments from providing, collecting, and/or disclosing an
individual's religious belief, practice or affiliation. In a time
when divisive rhetoric is used and our liberties are threatened from
a national level, I stand with you and will not allow for the
government or employers to begin collecting religious information on
our residents. We have seen governments collect individuals'
religious information before and we know what happens next, but it
will certainly not happen on our watch.

Our country was founded by people who came to this country in search
of religious freedom, a fundamental value of our democracy. The
establishment and free exercise clauses of the First Amendment
prevents the government from promoting religion in any way, provides
you with the right to worship (or not) as you wish, and prohibits the
government from penalizing you for your religious beliefs. The
separation of church and state is one of the very reasons why
individuals have sought refuge by immigrating to this country.

The intent section of the bill eloquently outlines these values and I
believe its codification is necessary so that the horrors of the past
will not be repeated. I am, therefore, vetoing Section 6 of the bill,
which will enable the Code Reviser to codify the intent language in
Section 1. A veto of Section 6 does not impact the bill's policy;
rather it strengthens the bill by celebrating the rich cultural

heritage and diversity of our residents and reminding us that the freedom of religion is one of the founding ideals of the nation.

In signing this bill, I want to make it clear that it is our duty as public servants to ensure that we are not only meeting the letter of the law, but the spirit as well. It is my intent that this law be implemented fully and consistently by all public agencies across the state. Accordingly, I am directing the Office of Financial Management, in consultation with key legislators and others, to prepare guidance for use by public agencies and institutions, consistent with the following interpretations of the bill:

Section 3(3) prohibits state and local governments and public employees from sharing personally identifiable information with any entity that is investigating or enforcing a government program that compiles a list based on religion, national origin, or ethnicity for law enforcement or immigration purposes. In practice, any personally identifiable information of individuals based on religion, national origin, or ethnicity shall not be shared with any government agency that is compiling a list or database for law enforcement or immigration purposes.

Section 4(2) prohibits state and local law enforcement agencies from using public resources to investigate, enforce, or assist in the investigation or enforcement of any requirement that individuals register with the federal government or any federal agency based on religion. Our state and local law enforcement agencies shall not assist the federal government in any attempt to require individuals to register based on religion. As specified in Section 4(1)(a) of the bill, this prohibition does not apply when assisting an investigation of an individual based on reasonable suspicion that the individual has engaged in criminal activity, and when there is a nexus between the criminal activity and the specific information collected about religious belief, practice, or affiliation.

Section 5 requires the termination of any portion of an agreement that shares any state or local government information or databases in conflict with this new law. In this context, agreements are not limited to only accords, memorandum of understandings, and contracts, but include any understanding, even those without a legal obligation. Agreements that violate this law shall be identified and the terms renegotiated to bring the agreement into compliance with the law.

I thank you for your unanimous support for this bill.

For these reasons I have vetoed Section 6 of Engrossed House Bill No. 2097.

With the exception of Section 6, Engrossed House Bill No. 2097 is approved."

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