

SENATOR RICARDO LARA

LEGISLATIVE FACT SHEET

Senate Bill 31 – Fight4CAReligiousFreedom

Summary:

SB 31 prohibits a state or local agency from providing or disclosing to federal authorities personally identifying information regarding a person's religious affiliation when the information is sought for compiling a database of individuals based on religious affiliation, national origin, or ethnicity. SB 31 also prohibits state and local law enforcement from collecting information about an individual's religious beliefs or affiliations except under certain circumstances.

Background:

In California, we celebrate the rich cultural heritage and diversity of our residents. Freedom of religion and protection from discrimination on the basis of religion are founding ideals of our nation. Section 4 of Article I of the California Constitution guarantees the free exercise and enjoyment of religion without discrimination. California must uphold the protection of religious freedom enshrined in the United States Constitution for all of its people, and the state has a moral obligation to protect its citizens from religious persecution.

The National Security Entry-Exit Registration System (NSEERS), created after the September 11th terrorist attacks and recently ended under the Obama Administration, was a program once used to register and track mostly Arab and Muslim men across the nation. NSEERS registered and monitored non-citizen visa holders— such as students, workers, and tourists— and targeted males 16 or older from 25 different countries. The program disproportionately focused on Arabs and Muslims, caused widespread fear within those communities, undermined trust in law enforcement, and needlessly punished immigrants, regardless of whether or not they were suspected of any criminal activities.

NSEERS resulted in over 80,000 registrants, and of those, more than 13,000 people were placed in deportation proceedings for technical visa violations, which resulted in families being torn apart, businesses being disrupted, and educational opportunities being cut short. By 2011, almost 10 years after the program was created, NSEERS did not result in a single terrorism conviction.

Problem:

The repeated statements from the Trump Administration in regards to instituting a program to track Muslim individuals in the United States are not only troubling but unconstitutional. California has a duty to protect the rights of all people and ensure equal justice under the law, regardless of race, religion, or national origin. We must work to prevent another failed counterterrorism tool that will only work to spread fear, dislocate families, and discriminate against vulnerable communities.

Solution:

SB 31 will bar state and local agencies from sharing data with federal authorities for the purposes of compiling a federal registry based on religious belief, practice, affiliation, national origin, or ethnicity. State and local law enforcement shall not collect information about an individual's religious beliefs or affiliations unless it is needed to provide religious accommodations, or there is a targeted investigation of an individual based on reasonable suspicion that he or she has engaged in criminal activity and where there is a clear nexus between the criminal activity and the specific information collected about religious belief or affiliation. State and local law enforcement are also prohibited from assisting in the enforcement of any violation of any requirement to register with the federal government based on religion, national origin, or ethnicity.

This bill does not prohibit state or local agencies from sending to or receiving from any local, state, or federal agencies information regarding an individual's citizenship or immigration status. This bill does not prevent any state or local agency from compiling aggregate, non-personally identifying information about religious beliefs or affiliations, national origin, or ethnicity or from exchanging it with other local, state, or federal agencies. SB 31 promotes religious freedom and ensures that California is protecting basic civil and human rights for all.

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