

FINAL BILL REPORT

EHB 2097

PARTIAL VETO C 303 L 18 Synopsis as Enacted

Brief Description: Limiting disclosure of information about the religious affiliation of individuals.

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

House Committee on Judiciary
Senate Committee on Law & Justice

Background:

Washington Law Against Discrimination.

The Washington Law Against Discrimination (WLAD) recognizes the right to be free from discrimination based on: race; creed; color; national origin; sex; honorably discharged veteran or military status; sexual orientation; the presence of any sensory, mental, or physical disability; or the use of a trained dog guide or service animal by a person with a disability. This right applies to a variety of situations, including employment. Under the WLAD, employer includes any person acting in the interest of the employer who employs eight or more persons, and does not include any religion or sectarian organization not organized for private profit.

The Washington State Human Rights Commission (WSHRC) has a role in enforcing the WLAD. The WSHRC receives and investigates complaints made by persons alleging unfair practices in violation of the law. If the WSHRC finds that there is reasonable cause to believe that discrimination has occurred, it must first try to eliminate the unfair practice via conference and conciliation. If this process fails, the WSHRC must refer the matter to an administrative law judge who may, after a hearing on the matter, issue an order providing relief to the complainant.

Any person who alleges that he or she has been injured by any unfair practice or act in violation of the WLAD may bring a civil lawsuit to enjoin further violations, recover actual damages, and recover reasonable attorneys' fees.

Public Records Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Public Records Act requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally, and the exemptions narrowly, in order to effectuate a general policy favoring disclosure.

Public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

Summary:

Washington Law Against Discrimination.

A new section is added to the Washington Law Against Discrimination making it an unfair practice for an employer to:

- require that an employee disclose his or her sincerely held religious affiliation or beliefs, unless the disclosure is for the purpose of providing a religious accommodation at the request of the employee; or
- require or authorize an employee to disclose information about the religious affiliation of another employee, unless the individual whose religious affiliation will be disclosed: (1) expressly consents to the disclosure; and (2) has knowledge of the purpose for the disclosure.

Public Records Act.

A new exemption is created in the Public Records Act for all records that relate to or contain personally identifying information about an individual's religious belief, practice, or affiliation.

New Chapter Governing Government Agencies and Employees.

A new chapter is created limiting the disclosure and collection of information about a religious belief, practices, and affiliation.

A state or local government agency or employee must not:

- provide or disclose to federal government authorities personally identifiable information regarding the religious beliefs, practices, or affiliation of any individual, except where the employee is a witness to a crime;
- use public funds, property, or personnel to assist in the creation, implementation, or enforcement of any government program compiling a list, registry, or database of personally identifiable information about individuals based on religious beliefs, practices, or affiliation, for law enforcement or immigration purposes; or
- make personally identifiable information from agency databases available for the purpose of investigation or enforcement under any government program compiling a list, registry, or database of individuals based on religious belief, practice, or affiliation, or national origin, or ethnicity for law enforcement or immigration purposes.

State and local law enforcement agencies are prohibited from:

- collecting information on the religious belief, practice, or affiliation of any individual except: (1) as part of a criminal 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; or (2) where necessary to provide religious accommodations; or
- using public funds, property, or personnel to investigate, enforce, or assist in the investigation or enforcement of any criminal, civil, or administrative violation of any requirement that individuals register with the federal government or any federal agency based on religion.

Any agreements in existence on the effective date that make any state or local government agency information or database available in conflict with the terms of this chapter are terminated on that date to the extent of the conflict.

Votes on Final Passage:

House	98	0	
House	98	0	
Senate	48	0	(Senate amended)
House	98	0	(House concurred)

Effective: June 7, 2018

Partial Veto Summary: The Governor vetoed section 6 which provides codification instructions.