

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*James J. Lyons, Jr. and Marc T. Lombardo*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to clarify the jurisdiction of law enforcement officials on immigration issues.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Kate D. Campanale</i>	<i>17th Worcester</i>

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By Messrs. Lyons of Andover and Lombardo of Billerica, a petition (subject to Joint Rule 12) of James J. Lyons, Jr. and others for legislation to authorize law enforcement to arrest and detain certain removable aliens. House Rules.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act to clarify the jurisdiction of law enforcement officials on immigration issues.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 276 of the General Laws is hereby amended by inserting after section 28 the  
2 following new section:-

3 Section 28A. Any law enforcement officer shall have authority, with or without warrant,  
4 to enforce the criminal laws of the United States, including those enumerated in Title 8 of the  
5 United States Code, provided that there is probable cause to believe that a violation of the law  
6 has occurred. Such probable cause may be based on the personal observations and belief of the  
7 officer, or may be based on information provided by reliable sources, including other federal,  
8 state or local law enforcement officers.

9 Any law enforcement officer shall additionally have the authority to arrest and detain a  
10 person, without having a warrant for such arrest in his possession, if the officer making such  
11 arrest and detention, or the agency or department in which the officer serves, possesses an  
12 Immigration Detainer lawfully issued by the United States Department of Homeland Security

13 whereby said federal agency has indicated that it has determined that probable cause exists that  
14 that person is a removable alien. Any detention under this section shall not exceed 48 hours  
15 beyond the time that the person would otherwise be released from custody or admitted to bail.  
16 Said person must be served with a copy of the Immigration Detainer for such arrest and detention  
17 to be lawful.