

HOUSE No. 3371

The Commonwealth of Massachusetts

PRESENTED BY:

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:	DATE ADDED:
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>1/16/2019</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>	<i>1/31/2019</i>

HOUSE No. 3371

By Mr. Lombardo of Billerica, a petition (accompanied by bill, House, No. 3371) of Marc T. Lombardo and Shaunna L. O'Connell relative to the jurisdiction of law enforcement officials on immigration issues. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 SECTION 1. Chapter 276 of the General Laws is hereby amended by inserting after
2 section 28 the 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.