

HOUSE No. 1401

The Commonwealth of Massachusetts

PRESENTED BY:

Antonio F. D. Cabral

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 relative to Massachusetts state sovereignty.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>	<i>1/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/25/2023</i>
<i>Orlando Ramos</i>	<i>9th Hampden</i>	<i>1/26/2023</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/26/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/27/2023</i>
<i>Paul A. Schmid III</i>	<i>8th Bristol</i>	<i>2/1/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/8/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/10/2023</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/14/2023</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/22/2023</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>2/22/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/23/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/23/2023</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/25/2023</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>3/2/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/16/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/20/2023</i>

<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>3/31/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/31/2023</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>4/1/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>6/23/2023</i>
<i>Margaret R. Scarsdale</i>	<i>1st Middlesex</i>	<i>7/15/2023</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>7/25/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>8/27/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>11/27/2023</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>12/15/2023</i>

HOUSE No. 1401

By Representative Cabral of New Bedford, a petition (accompanied by bill, House, No. 1401) of Antonio F. D. Cabral and others relative to existing agreements by the Commonwealth, law enforcement agencies, municipalities, or other subdivisions. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to Massachusetts state sovereignty.

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 12 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after Section 5O the following new sections:-

3 Section 5P.

4 (a) As used in this section, the following words shall have the following meanings:

5 “Agreement”, any contract, agreement, memorandum of understanding, or other
6 arrangement to arrest, detain, or house any person for the purpose of civil immigration detention,
7 including for the purpose of detention pursuant to Sections 1225, 1226, or 1231 of Title 8 of the
8 United States Code; and any contract, agreement, memorandum of understanding, or other
9 arrangement pursuant to Section 1357(g) of Title 8 of the United States Code.

10 "Law enforcement agency", an agency in the Commonwealth charged with enforcement
11 of state and municipal laws or with managing custody of detained or incarcerated persons in the

12 state, including but not limited to municipal police departments, sheriff's departments, campus
13 police departments, the Department of Corrections, Massachusetts State Police, and the
14 Department of Youth Services.

15 (b) The Commonwealth and any law enforcement agencies, municipalities, or other
16 subdivisions thereof shall not be authorized to enter into a new agreement, to extend, modify or
17 renew an existing agreement, or to remain in an existing agreement longer than ninety days from
18 the date on which this act takes effect.

19 (c) The Attorney General may promulgate rules and regulations for purposes of
20 implementing this section.

21 (d) Nothing in this Section shall preclude an employee or representative of a law
22 enforcement agency from otherwise executing that person's professional duties in ensuring
23 public safety, provided that they do not make, extend, modify, renew, or remain in an agreement
24 in violation of this section.

25 (e) Whenever the Attorney General has reason to believe that any person or entity is
26 violating the provisions of this section, he or she may bring an action in the name of the
27 Commonwealth against such person or entity to restrain such violation by temporary restraining
28 order or preliminary or permanent injunction. The action may be brought in the Superior Court
29 of the county in which such violation is occurring or is reasonably anticipated to occur, or in the
30 Superior Court of Suffolk County, at the Attorney General's election. Nothing herein shall
31 preclude a private action concerning any violation of this section against any person or entity, to
32 the extent otherwise permitted by law.

33 Section 5Q.

34 (a) As used in this section, the following words shall have the following meanings:

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36 “Law enforcement agency”, the sheriffs and their offices and departments, and the police
37 departments of municipalities and other subdivisions of the Commonwealth.

38

39 “Agreement”, any contract, agreement, or memorandum of understanding to which the
40 government of the United States is party, regardless of subject matter.

41

42 “Deputization”, any deputization by the government of the United States or any other
43 conferral of authority to act with the power of an officer or employee of the government of the
44 United States, including pursuant to Sections 0.19(a)(3) and 0.112 of title 28 of the Code of
45 Federal Regulations.

46

47 (b) Prior to agreeing to or otherwise accepting any agreement or deputization, or
48 authorizing any employee to agree to or otherwise accept any agreement or deputization, a law
49 enforcement agency must seek and receive written authorization from the Governor or the
50 Governor’s written designee. Such authorization shall be memorialized in writing and signed by
51 the Governor or his or her designee, and a copy of the writing shall promptly be transmitted to
52 the Executive Office of Public Safety and Security, which shall retain it for as long as the law
53 may require, but in any event no less than six years after the date of execution or after the
54 authorization expires, whichever is later.

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56 (c) The Executive Office of Public Safety and Security may promulgate rules and
57 regulations for purposes of implementing this section.

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59 (d) Whenever the Attorney General has reason to believe that any person or entity is
60 violating the provisions of this section, he or she may bring an action in the name of the
61 Commonwealth against such person or entity to restrain such violation by temporary restraining
62 order or preliminary or permanent injunction. The action may be brought in the Superior Court
63 of the county in which such violation is occurring or is reasonably anticipated to occur, or in the
64 Superior Court of Suffolk county, at the Attorney General's election. Nothing herein shall
65 preclude a private action concerning any violation of this section against any person or entity, to
66 the extent otherwise permitted by law.

67 (e) Nothing herein shall be construed to expand the authority of the Governor, the
68 Commonwealth, or any municipality or other subdivision thereof to enter into any agreement, or
69 accept any deputization, that is not otherwise authorized by law.

70 SECTION 2. This act shall take effect upon its passage.

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