HOUSE DOCKET, NO. 3302 FILED ON: 1/17/2025

HOUSE . . . . . No. 1635

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day and Marjorie C. Decker

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 access to justice.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael S. Day	*31st Middlesex*	*1/17/2025*
Marjorie C. Decker	*25th Middlesex*	*1/17/2025*
Mindy Domb	*3rd Hampshire*	*2/11/2025*
Jack Patrick Lewis	*7th Middlesex*	*2/3/2026*
Judith A. Garcia	*11th Suffolk*	*2/3/2026*
Priscila S. Sousa	*6th Middlesex*	*2/3/2026*
Greg Schwartz	*12th Middlesex*	*2/3/2026*
Leigh Davis	*3rd Berkshire*	*2/3/2026*
Mike Connolly	*26th Middlesex*	*2/3/2026*
Kenneth I. Gordon	*21st Middlesex*	*2/3/2026*

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By Representatives Day of Stoneham and Decker of Cambridge, a petition (accompanied by bill, House, No. 1635) of Michael S. Day, Marjorie C. Decker and Mindy Domb relative to interviews or questioning conducted for immigration investigations or enforcement purposes. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4833* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to access to justice.

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

SECTION 1. Section 167A of chapter 6 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after clause (i) the following clause:-

(j) The department shall not disclose to any federal agency or permit any federal agency to access any files, data, or other information from the Massachusetts Registry of Motor Vehicles for purposes of civil immigration enforcement, provided that information concerning a particular identified individual may be disclosed upon receipt of a probable cause warrant signed by a judge. The Attorney General is authorized to bring an action in state or federal court to quash, modify, or otherwise contest any demand for information not in accordance with the requirements of this paragraph.

SECTION 2. Section 172 of said chapter 6, as so appearing, is hereby amended by inserting, in line 8, after the word “duties” the following words:- ; provided that criminal offender record information shall not be accessed or disclosed for any non-criminal justice purpose, including civil enforcement duties.

SECTION 3. Said section 172 of said chapter 6, as so appearing, is hereby further amended by inserting, in line 161, after the word “databases” the following words:- ; provided that criminal offender record information shall not be accessed or disclosed for any non-criminal justice purpose, including civil enforcement duties.

SECTION 4. Section 24 of chapter 37 of the General Laws, as so appearing, is hereby amended by inserting after clause (e) the following clause:-

(f) federal detainees housed in their facilities to and from the several divisions or departments of the trial court, pursuant to a valid state court writ of habeas corpus.

SECTION 5. Chapter 147 of the General Laws, as so appearing, is hereby amended by inserting after section 63 the following section:-

Section 64. (a) An interview or any questioning conducted for immigration investigation or enforcement purposes of a person in the custody of any state or local law enforcement agency, sheriff’s office, the department of correction, or Massachusetts court, shall take place only with the written informed consent of the person in custody, unless otherwise required by federal law. If the person in custody indicates that they wish to have an attorney present for an interview with a federal agent, the custodian shall allow them to contact such attorney, and the interview shall not take place until an attorney is made available for the use of the person in custody. The

custodian agency shall not be responsible for the payment of the person's attorney's fees and expenses.

(b) The office of the attorney general shall prepare a uniform consent form in English and other languages commonly spoken in Massachusetts for use pursuant to subsection (a), which shall: (i) explain the purpose of the interview, that the interview is voluntary, that the person may decline to be interviewed or may choose to be interviewed only with an attorney present, and that the person may decline to sign any documents presented to them at the interview; and (ii) document the person's consent or lack thereof, whether an interview took place, and, if so, whether an attorney was present. Custodian agencies shall make their best efforts to provide a form in a language that the person understands, and to provide interpretation if needed. Consent forms shall be public records as defined in clause twenty-sixth of section 7 of chapter 4, provided that the name, address, phone number and other personal identifying information regarding the interview subject shall not be a public record.

(c) The provisions of paragraphs (a) and (b) shall not apply to persons in federal custody who are held in a state or local facility pursuant to an intergovernmental contract.

(d) Court officers, clerks, probation department employees, other trial court administrative personnel, prosecutors, and personnel of the prosecutor's office, may provide federal agencies or agents with information relating to any person involved in matters before the court only upon request and in the same manner and to the same extent as such information is lawfully made available to the general public. Such officials shall not otherwise notify federal agencies or agents of the presence of individuals attending proceedings in Massachusetts courthouses, unless required by federal law.

(e) The superior court in the county where the person is held shall be authorized to hear any claim in law or equity arising from violation of this section.

SECTION 6. Section 3 of chapter 258B of the General Laws, as so appearing, is hereby amended by inserting after clause (w) the following clause:-

(x) for victims, family members, and witnesses, to not be asked by a law enforcement agency, the prosecutor, personnel in the prosecutor's office, trial court personnel, or parole, probation or corrections officials about their immigration status, or the immigration status of their family members, unless such inquiry is required by federal or state law; provided that a judge or magistrate may make such inquiries as are necessary to adjudicate matters within their jurisdiction. The court may enter orders or conditions to maintain limited disclosure of any information regarding immigration status as it deems appropriate to protect the liberty interests of victims, family members and witnesses.