HOUSE DOCKET, NO. 4222 FILED ON: 1/17/2025

HOUSE . . . . . No. 1805

The Commonwealth of Massachusetts

PRESENTED BY:

Bradley H. Jones, Jr.

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 enhance the authority of courts to protect public safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Bradley H. Jones, Jr.	*20th Middlesex*	*1/17/2025*
Kimberly N. Ferguson	*1st Worcester*	*1/21/2025*
Paul K. Frost	*7th Worcester*	*1/31/2025*
Todd M. Smola	*1st Hampden*	*3/10/2025*
David F. DeCoste	*5th Plymouth*	*1/25/2025*
Steven George Xiarhos	*5th Barnstable*	*1/25/2025*
David K. Muradian, Jr.	*9th Worcester*	*1/29/2025*
Hannah Kane	*11th Worcester*	*1/30/2025*
Donald R. Berthiaume, Jr.	*5th Worcester*	*2/3/2025*
Alyson M. Sullivan-Almeida	*7th Plymouth*	*2/11/2025*

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HOUSE . . . . . No. 1805

By Representative Jones of North Reading, a petition (accompanied by bill, House, No. 1805) of Bradley H. Jones, Jr., and others for legislation to enhance the authority of courts to protect public safety. The Judiciary.

The Commonwealth of Massachusetts

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

An Act to enhance the authority of courts to protect public safety.

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. Chapter 276 of the General Laws is hereby amended by inserting after section 20R the following section:-

Section 20S. (a) Any employee of the Commonwealth considered a court officer pursuant to Chapter 221 Sections 69A, 70A, 71A of the General Laws, who has lawful custody of a person may, upon the direction of a judicial officer, and upon receipt of (1) a written request from United States Immigration and Customs Enforcement requesting detention of such person on the grounds that there is probable cause that such person is a removable alien and (2) an administrative warrant for arrest or warrant of removal/deportation, detain such person for a reasonable period of time after such person would otherwise be released from custody in order to transfer custody of such person to United States Immigration and Customs Enforcement, provided that the judicial officer has determined that there are specific facts indicating that the person to be detained poses a threat to public safety; and further provided that such person be

provided with a copy of such written request; and further provided that in no circumstances shall such detention exceed 12 hours.

(b) As used in subsection (a), "specific facts indicating that the person to be detained poses a threat to public safety" shall mean that, at a minimum, any of the following facts are true with respect to such person:

(1) the person has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;

(2) the person has been convicted of an offense of which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a);

(3) the person has been convicted of an offense classified as a felony, other than a state or local offense for which an essential element was the person's immigration status;

(4) the person has been convicted of an aggravated felony, as defined under 8 U.S.C. § 1101(a)(43); or

(5) the person has been convicted of a crime of (i) domestic violence; (ii) sexual abuse or exploitation; (iii) trafficking in persons in violation of sections 50 or 51 of chapter 265 or like violations of the law of another state, the United States or a military, territorial or Indian tribal authority; (iv) burglary; (v) unlawful possession or use of a firearm; (vi) drug distribution or trafficking; (vii) second or subsequent operating or driving under the influence; or (viii) any other offense for which the person has been sentenced to time in custody of 180 days or more.

(c) In making such determination under subsection (a), if the appropriate judicial officer does not honor the request from Immigrations and Custom Enforcement, the judicial officer shall

detail the reasons therefore in writing, and said determination shall be filed with the Clerk of the Court having jurisdiction over the location of the detention and maintained as a public record. Said determination shall not be subject to impoundment and may only be redacted to protect the names of minors and victims.

(d) This section shall not be construed to give rise to a private right of action and shall not be construed so as to make unlawful any arrest in this commonwealth which would otherwise be lawful.

SECTION 2. Chapter 276 of the General Laws is hereby amended by inserting at the end the following section:-

Section 104. In determining original bail, and any subsequent bail pursuant to sections 20D, 20E, 20F, 29, 42, 42A, 56A, 57, 60, 61, 62, 63, 64 68, 70, 82, 82A, of Chapter 276 the Judicial Officer presiding over the status of the bail hearing of the individual shall consider the existence of an Immigrations and Customs Enforcement Detainer request from the United States Immigrations and Customs Enforcement Office. If a written request from United States Immigration and Customs Enforcement requesting detention of such person on the grounds that there is probable cause that such person is a removable alien and (2) an administrative warrant for arrest or warrant of removal/deportation exists then the Judicial Officer shall have grounds to withhold bail pending action on the request from Immigrations and Customs Enforcement.