

HOUSE No. 2058

The Commonwealth of Massachusetts

PRESENTED BY:

Steven George Xiarhos

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 state compliance with detainer requests.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Steven George Xiarhos</i>	<i>5th Barnstable</i>	<i>1/10/2025</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	<i>1/13/2025</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/11/2025</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/11/2025</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>3/25/2025</i>

HOUSE No. 2058

By Representative Xiarhos of Barnstable, a petition (accompanied by bill, House, No. 2058) of Steven George Xiarhos and others relative to state compliance with detainer requests. The Judiciary.

The Commonwealth of Massachusetts

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

An Act relative to state compliance with detainer requests.

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 147 of the General Laws is hereby amended by adding the
2 following new section:-

3 Section 64. (a) As used in this section, the following words shall have the following
4 meanings unless the context clearly requires otherwise:

5 “Law enforcement agency of the commonwealth”, any state, municipal, college or
6 university police department, sheriff’s department, correctional facility, prosecutorial office,
7 court, probation office, or a program of more than one of any such entity, or any other non-
8 federal entity in the commonwealth charged with the enforcement of laws or the custody of
9 detained persons.^[1]_[SEP]

10 “Detainer request”, a written request issued by the United States Immigration and
11 Customs Enforcement agency, or any subdivision or bureau thereof, duly issued to any law
12 enforcement agency of the commonwealth and directing said agency to provide notification

13 before releasing an individual from custody, or to maintain custody of the individual for a period
14 not to exceed 48 hours beyond the time the individual otherwise would be released, or both.

15 (b) Notwithstanding any general or special law to the contrary, no law enforcement
16 agency of the commonwealth shall establish a policy or directive ordering its officers and
17 employees to fail or refuse to comply with detainer requests pertaining to individuals within the
18 custody of such agency, and no officer or employee of a law enforcement agency of the
19 commonwealth, while acting under color of law, shall knowingly fail or refuse to comply with
20 the terms of any detainer request pertaining to any individual within the custody of said agency.

21 (c) Notwithstanding any general or special law to the contrary, a law enforcement agency
22 of the commonwealth in receipt of a detainer request pertaining to an individual within its
23 custody shall notify the United States Immigration and Customs Enforcement agency of any
24 planned release or change in the custody status of said individual not less than 24 hours in
25 advance of such planned release or change.

26 SECTION 2. All state and local officials with law enforcement responsibilities shall
27 receive training on the requirements of this act within six months of its passage, including
28 training on the legal basis for detainer requests and the procedural steps for compliance.

29 SECTION 3. Every law enforcement agency of the commonwealth shall provide a report
30 to the secretary of the executive office of public safety and security on or before the fifteenth day
31 of January of each year detailing the number of detainer requests received by such agency during
32 the preceding calendar year, together with an explanation of how many of said detainer requests
33 were honored or not honored, and with an explanation for the reasons for any non-compliance,
34 including but not limited to any policy or directive of the agency to dishonor or refuse to comply

35 with such requests; provided, that no such report shall contain any personally-identifiable
36 information concerning any individual subject to a detainer request. The secretary shall collect
37 such information and submit a consolidated report as to the data for each individual law
38 enforcement agency of the commonwealth to the Clerks of the House of Representatives and the
39 Senate on or before the fifteenth day of February of each year.