

HOUSE No. 5293

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 23, 2026.

The committee on Public Safety and Homeland Security, to whom was referred the petition (accompanied by bill, House, No. 5158) of Andres X. Vargas, Judith A. Garcia and others for legislation to further regulate state and local participation in federal civil immigration enforcement, reports recommending that the accompanying bill (House, No. 5293) ought to pass.

For the committee,

DANIEL CAHILL.

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The Commonwealth of Massachusetts

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

An Act promoting rule of law, oversight, trust, and equal constitutional treatment ("The PROTECT Act").

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 127 of the General Laws is hereby amended by inserting after
2 section 87A the following section:-

3 Section 87B. (a) As used in this section the following terms shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 "Competent interpretive services", as defined in subsection (a) of section 25J of chapter
6 111.

7 "Facility", any state correctional facility, state prison, including, but not limited to,
8 county jail, house of correction or prerelease center, that houses individuals.

9 (b) This section shall apply to any facility.

10 (c) Upon intake, the facility shall provide each detained individual, with written
11 notices, in the individual's primary language: (i) notice of the right to legal counsel; (ii) notice of
12 the right to decline interviews by state or federal law enforcement or consular officials; (iii)

13 notice of right to counsel; (iv) instructions for contacting counsel and legal services; and (v) the
14 procedures for confidential legal communications and grievance review.

15 (d)(1) The facility shall ensure confidential, unmonitored attorney-client telephone
16 communications.

17 (2) The facility shall provide a verified counsel line that permits counsel of record to
18 complete not less than 1 confidential inbound call per day with the detained individual; provided,
19 however, that if direct inbound calling is technologically infeasible, the facility shall provide a
20 system for counsel of record to request a confidential callback that shall occur within 24 hours of
21 the request by the counsel of record.

22 (e)(1) The facility shall maintain a record identifying individuals detained in any facility.
23 The record shall be updated not later than 6 hours after intake into the facility and not later than 6
24 hours after any transfer out of the facility. The record shall include, but shall not be limited to: (i)
25 confirmation of custody in the facility; (ii) contact-routing information sufficient for counsel and
26 family to maintain contact; and (iii) a facility procedure for legal communications and general
27 inquiries.

28 (2) The record shall be provided by the facility to: (1) counsel of record; and (2) a
29 person designated by the detained individual at intake, orally or in writing, and recorded in the
30 intake record. The facility shall limit disclosure to the minimum information necessary to locate
31 and contact the detained individual. The facility shall maintain audit logs of access attempts and
32 disclosures for not less than 1 year.

33 (3) The facility shall implement reasonable identity verification, auditing and privacy
34 safeguards.

35 (4) The facility shall adopt written policies for identity verification and access
36 control.

37 (5) The facility shall, upon transfer of a detained individual to or from the facility,
38 make reasonable efforts to notify counsel of record and any designated contact recorded pursuant
39 to paragraph (2) not later than 6 hours after the transfer is effected, including, but not limited to,
40 the name of the receiving facility and instructions for locating the individual.

41 (f) The facility shall provide competent interpretive services for any: (i) translated intake
42 materials pursuant to subsection (c); (ii) medical related interactions; (iii) mental health related
43 interactions; (iv) disciplinary related interactions; (v) legal-access related interactions; and (vi)
44 grievance related interactions.

45 (g)(1) No facility shall impede a detained individual's reasonable access to counsel or
46 any required proceedings.

47 (2) The facility shall provide transportation or functional remote access to mandatory
48 government appointments or any other court proceedings.

49 (h) The facility shall provide a public phone number for a caller to obtain
50 confirmation of whether an individual is detained at the facility and obtain contact instructions;
51 provided, that the facility may require the caller to provide the individual's full name, date of
52 birth and additional identifying information only as necessary to resolve multiple matches.

53 (i) The secretary of public safety and security shall consult with the attorney general
54 to promulgate regulations establishing minimum compliance standards, and written policies.

55 SECTION 2. Chapter 147 of the General Laws is hereby amended by adding the
56 following section:-

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

59 “Law enforcement agency”, as defined in section 1 of chapter 6E. “Law enforcement
60 officer”, as defined in section 1 of chapter 6E.

61 “Federal immigration authority”, the United States Department of Homeland Security,
62 Immigration and Customs Enforcement, Customs and Border Protection or any successor entity,
63 and any person acting on their behalf.

64 “Civil immigration process”, any civil immigration detainer request, administrative
65 warrant, notice to appear, removal order or other civil immigration document not issued by a
66 judge of a court of competent jurisdiction upon a finding of probable cause.

67 “Nonpublic personal information”, information not otherwise available to the public that
68 is maintained by a law enforcement agency or political subdivision.

69 (b) For purposes of this subsection,, the term “person’s immigration or citizenship
70 status is directly material” shall mean only when necessary to establish an element of a specific
71 criminal offense under the laws of the commonwealth, and shall not be deemed directly material
72 for assessing credibility, cooperation or for general information gathering. Except as required by
73 federal or state law, or pursuant to a judicial warrant, court order or treaty, no officer or
74 employee of a law enforcement agency shall:

75 (i) inquire about the immigration or citizenship status of any person; provided,
76 however, that a law enforcement officer may make such inquiry only when the officer has an
77 articulable, case-specific reason to believe the person's immigration or citizenship status is
78 directly material to an element of a specific criminal offense under the laws of the
79 commonwealth being investigated, and the officer documents that reason in the incident report or
80 case file;

81 (ii) record or maintain immigration or citizenship status information except as
82 required by federal, state law, treaty or as documented pursuant to clause (i); or

83 (iii) use state or local resources for the purpose of enforcing a federal civil
84 immigration enforcement action.

85 (c) Except as required by federal or state law or pursuant to a judicial warrant, court
86 order or treaty, no state or local law enforcement officer shall initiate contact with any federal
87 authority to: (i) provide nonpublic personal information to a federal immigration authority; or (ii)
88 provide advance notice of a person's release, unless said release is in connection with the
89 satisfaction of an imposed sentence.

90 (d)(1) No law enforcement agency or political subdivision of the commonwealth, except
91 for the department of correction, shall execute, renew or materially expand a memorandum of
92 agreement under section 287(g) of the federal Immigration and Nationality Act, or any
93 substantially similar agreement or arrangement that deputizes state or local personnel to perform
94 civil immigration enforcement functions.

95 (2) Notwithstanding paragraph (1), any law enforcement agency may petition the
96 secretary of public safety and security for approval of a time-limited agreement, pursuant to said

97 section 287(g), that is restricted solely to criminal public safety purposes and does not authorize
98 civil immigration enforcement; provided, that: (i) the agreement is limited to cooperation in the
99 execution of criminal warrants or criminal process issued by a court of competent jurisdiction;

100 (ii) the petition demonstrates an articulable, imminent public safety interest; (iii) the
101 secretary issues a written determination after public notice and comment and consultation with
102 the attorney general; (iv) the attorney general prepares and publishes, contemporaneously with
103 the secretary's written determination, a written legal analysis assessing compliance with the
104 requirements of this subsection and identifying material legal risks, including potential federal
105 preemption or intergovernmental immunity concerns; (v) the approval sunsets not later than 12
106 months after issuance and may be renewed only upon the same process; and (vi) the agency files
107 quarterly public reports describing implementation, excluding personally identifying
108 information.

109 (e) Nothing in this section shall be construed to: (i) prohibit or restrict the sending to, or
110 receiving from, federal immigration authorities information regarding an individual's citizenship
111 or immigration status as described in 8 U.S.C. § 1373 or 8 U.S.C. § 1644; or (ii) limit
112 cooperation with federal authorities in the investigation or prosecution of criminal offenses,
113 including compliance with judicial warrants, subpoenas or court orders.

114 SECTION 3. Section 19C of chapter 149 of the General Laws, as appearing in the 2024
115 Official Edition, is hereby amended by inserting after the second paragraph, the following
116 paragraph:-

117 Except as required by federal law, not later than 48 hours after receiving a notice of
118 inspection by U.S. Immigration and Customs Enforcement for inspection of I-9 employment

119 eligibility verification forms or other employment records each employer shall provide written
120 notice to employees of any such request,.

121 SECTION 4. The General Laws are hereby amended by inserting after chapter 221 the
122 following chapter:-

123 CHAPTER 221A

124 Civil Arrests in Courts

125 Section 1. As used in this section the following terms shall, unless the context clearly
126 requires otherwise, have the following meanings:

127 “Civil arrest”, an arrest that is not: (i) for the sole or primary purpose of preparing the
128 person subject to such arrest for criminal prosecution, for an alleged violation of the criminal law
129 of: (A) the commonwealth or another jurisdiction within the United States, for which a sentence
130 of a term of imprisonment is authorized by law; or (B) the United States, for which a sentence of
131 a term of imprisonment is authorized by law, and for which federal law requires an initial
132 appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the
133 federal rules of criminal procedure that govern initial appearances; (ii) for contempt of court; (iii)
134 for a capias issued by a judge of the commonwealth; (iv) for a parole warrant issued under
135 section 149A of chapter 127 or a probation warrant issued under section 3 of chapter 279; (v) for
136 a governor’s warrant of arrest issued under section 16 of chapter 276; or (vi) related to a petition
137 or commitment under section 12 of chapter 123

138 “Courthouse”, the interior of any facility or property in which a court of the
139 commonwealth conducts business.

140 “Judicial warrant or judicial order”, an arrest warrant or other judicial order, issued by a
141 judge or magistrate sitting in the judicial branch of state government or of the federal
142 government, authorizing an arrest.

143 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
144 agency, including, but not limited to: a city, town or district police department, the office of
145 environmental law enforcement, the University of Massachusetts police department, the
146 department of the state police, the Massachusetts Port Authority police department, also known
147 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
148 Authority police department; (ii) a sheriff’s department in its performance of police duties and
149 functions; (iii) a public or private college, university or other educational institution or hospital
150 police department; (iv) a federal law enforcement agency; or (v) a humane society police
151 department in section 57 of chapter 22C.

152 “Law enforcement officer”, any officer of an agency, including the head of the agency; a
153 special state police officer appointed pursuant to section 57, section 58 or section 63 of chapter
154 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and
155 functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police
156 duties and functions; a constable executing an arrest for any reason; or any other special, reserve
157 or intermittent police officer.

158 Section 2. No representative of a law enforcement agency shall make a civil arrest of an
159 individual present at a courthouse unless such representative: (i) is acting in the representative’s
160 official capacity; and (ii) has provided documentation to a designated judge, justice or judicial
161 magistrate sitting in the courthouse demonstrating that the individual to be arrested is the subject

162 of a judicial warrant or judicial order authorizing civil arrest. The designated judicial official
163 shall promptly review such documentation. Except in extraordinary circumstances, as determined
164 by the designated judicial official, civil arrests shall not be made by a representative of a law
165 enforcement agency in a courtroom.

166 Section 3. The chief justice of the trial court may issue rules and notices to implement
167 this act; provided, however, that the protections of this act shall apply regardless of whether the
168 trial court implements this act by rule or notice.

169 Section 4. (a) Copies of all warrants and orders authorizing arrest and provided to court
170 personnel pursuant to this section shall be maintained by the chief justice of the trial court.

171 (b) Annually, not later than July 1, the trial court shall prepare, publish on the court's
172 website and provide to the governor, the president of the senate, the speaker of the house of
173 representatives, the clerks of the house and senate, the chairs of the joint committee on public
174 safety and homeland security and the chairs of the joint committee on the judiciary, a report
175 containing information on the warrants and judicial orders received by each local and state court
176 of the commonwealth pursuant to this section in the past calendar year. The report shall include,
177 but shall not be limited to, the date each judicial warrant or judicial order was signed, the judge
178 who issued such judicial warrant or judicial order and the name and location of the court that
179 issued the warrant or order, as shown by such warrant or order, the date the judicial warrant or
180 judicial order was presented to the court, a description of the type of judicial warrant or judicial
181 order and, if known, whether or not an arrest occurred with respect to such warrant and the date
182 and specific location of such arrest.

183 Section 5. (a) An arrest or detention in violation of this section shall constitute contempt
184 of court and false imprisonment; provided, however, that nothing in this section shall affect any
185 right or defense available to a person, law enforcement officer public officer or any court system
186 personnel acting lawfully and in accordance with duties outlined in section 70A of chapter 221.

187 (b) The attorney general is authorized to enforce this chapter, including, but not limited
188 to, through a suit in equity in the superior court.

189 Section 6. (1)An individual may apply for a writ of habeas corpus if such person has
190 reasonable cause to believe a violation of this section has occurred.

191 (2) The attorney general may bring a civil action in the name of the people of the
192 commonwealth to obtain appropriate equitable and declaratory relief if the attorney general has
193 reasonable cause to believe that a violation of this section has occurred.

194 Section 7. Nothing in this section shall be construed to narrow or abrogate rights or
195 privileges against civil arrest that exist under the common law.

196 Section 8. No action may be commenced pursuant to this section against the judicial
197 branch or any officer or employee of the judicial branch acting lawfully and in good faith,
198 pursuant to such officer's or employee's official duties and in accordance with this chapter and
199 other applicable laws and regulations.

200 Section 9. Nothing in this section shall be interpreted to require any person, including any
201 law enforcement officer, court personnel or court officer, to interfere with or assist the actions of
202 a federal official engaged in civil immigration enforcement. Nothing in this section shall be
203 interpreted to confer upon any law enforcement officer the authority, obligation or responsibility

204 to enforce, interpret, supervise, assess compliance with or prevent conduct governed by this
205 section.

206 SECTION 5. The General Laws are hereby amended by striking out chapter 258F and
207 inserting in place thereof the following chapter:-

208 CHAPTER 258F

209 Certification for Victims of Criminal Activity and Human Trafficking

210 Section 1. As used in this chapter, the following words shall, unless the context clearly
211 requires otherwise, have the following meanings:

212 “Certifying entity”, any law enforcement agency, any district attorney and the attorney
213 general.

214 “Qualifying criminal activity”, (i) criminal activity described in 8 U.S.C. §

215 1101(a)(15)(U)(iii) and severe forms of trafficking in persons described in 8 U.S.C. §

216 1101(a)(15)(T); and (ii) any offense under the laws of the commonwealth or a political

217 subdivision thereof that is substantially similar. For purposes of determining whether a person is

218 a victim of qualifying criminal activity for certification, a certifying entity shall not require the

219 filing of criminal charges or a conviction. For purposes of certification decisions under this

220 chapter, allegations of wage theft, workplace safety violations, housing violations or labor

221 exploitation accompanied by threats of deportation, intimidation or retaliation may constitute

222 qualifying criminal activity where the alleged conduct is reasonably consistent with extortion,

223 coercion, involuntary servitude, peonage, obstruction of justice, witness intimidation or other

224 substantially similar offenses under state or federal law.

225 “Helpful” or “helpfulness”, the meaning used in the applicable federal certification form;
226 provided, that “Helpfulness” shall include being helpful in the past, currently being helpful or
227 being likely to be helpful.

228 Section 2. The attorney general shall promulgate regulations permitting any executive
229 branch and its political subdivision to facilitate the submission of an application for certification
230 pursuant to this chapter.

231 Section 3. Each certifying entity shall adopt, publish and maintain a written certification
232 policy consistent with this chapter. The policy shall include, but shall not be limited to: (i)
233 identify a designated certifying official and an alternate; (ii) describe how requests may be
234 submitted, including by email, through counsel or through an authorized advocate; (iii) identify
235 objective criteria used to assess victimization and helpfulness consistent with federal certification
236 forms; (iv) prohibit consideration of the applicant’s immigration admissibility or eligibility
237 beyond the determinations required by the federal form; (v) prohibit any fee; and (vi) describe
238 the entity’s internal review process for denials.

239 Section 4. (a) Not later than 45 days after receiving the request a certifying entity shall
240 respond to a nonimmigrant status certification request from a victim of qualifying criminal
241 activity who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(U) or from
242 a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa
243 under 8 U.S.C. § 1101(a)(15)(T).

244 (b) If the applicant, counsel or advocate certifies that the applicant is in federal removal
245 proceedings or has a scheduled immigration court hearing within 45 days, the certifying entity
246 shall respond not later than 14 business days after receiving the request; provided, however, that

247 the certifying entity provides a written explanation that extraordinary circumstances outside the
248 control of the certifying entity prevent compliance and states a projected response date.

249 (c) The certifying entity shall respond by: (i) completing and signing the applicable
250 federal certification form; (ii) issuing a written denial without prejudice that states the specific
251 reasons the request does not meet the requirements of the entity's policy under section 3 and
252 identifies the internal review process; or (iii) issuing a written explanation of delay as provided
253 in subsection (b).

254 Section 5. (a) A certifying entity shall establish a rebuttable presumption of helpfulness
255 for any victim who timely reports qualifying criminal activity and is willing to provide
256 information in a manner reasonably requested by the certifying entity. A certifying entity shall
257 not deny a request solely because: (i) no arrest was made; (ii) the case was closed; (iii) the victim
258 has a criminal record unrelated to the qualifying criminal activity; or (iv) the victim chose to
259 exercise constitutional rights.

260 (b) No state or local employee shall report or threaten to report an individual to federal
261 immigration authorities in retaliation for seeking certification, reporting a crime, participating in
262 an investigation, filing a labor or civil rights complaint or cooperating with a proceeding.

263 Section 6. The secretary of public safety and security, in consultation with the attorney
264 general, shall promulgate regulations that shall include minimum standards for internal review
265 processes, training and data reporting under this chapter. Each certifying entity shall report
266 annually to the secretary aggregate data sufficient to evaluate compliance, including request
267 volume, response times, approvals, denials and reasons for denial, in a manner that protects
268 victim confidentiality.

269 Section 7. Notwithstanding subsection (b) of section 64 of chapter 147, a law
270 enforcement agency may inquire into the immigration or citizenship status of a victim of a crime,
271 witness or person seeking assistance, in accordance with this chapter.

272 SECTION 6. Section 58 of chapter 276 of the General Laws, as appearing in the 2024
273 Official Edition, is hereby amended by inserting, in line 31, after the word “community” the
274 following words:- , the likelihood of imminent deportation.

275 SECTION 7. For the purposes of this section and sections X1 to X2, inclusive, the
276 following words shall, unless the context clearly requires otherwise, have the following
277 meanings:

278 “Civil immigration enforcement”, any and all efforts to investigate, enforce, or assist in
279 the investigation or enforcement of any federal civil immigration law.

280 “Judicial warrant or judicial order”, an arrest warrant or other judicial order, issued by a
281 judge or magistrate sitting in the judicial branch of a local or state government or of the federal
282 government, authorizing an arrest.

283 "Law enforcement agency", (i) a state, county, municipal or district law enforcement
284 agency, including, but not limited to: a city, town or district police department, the office of
285 environmental law enforcement, the University of Massachusetts police department, the
286 department of the state police, the Massachusetts Port Authority police department, also known
287 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
288 Authority police department; (ii) a sheriff's department in its performance of police duties and
289 functions; (iii) a public or private college, university or other educational institution or hospital

290 police department; (iv) a federal law enforcement agency; or (v) a humane society police
291 department in section 57 of chapter 22C.

292 “Law enforcement officer,” any officer of an agency, including the head of the agency; a
293 special state police officer appointed pursuant to section 57, section 58 or section 63 of chapter
294 22C; a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and
295 functions; a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police
296 duties and functions; a constable executing an arrest for any reason; or any other special, reserve
297 or intermittent police officer.

298 “Person” or “people”, a resident of, or visitor to, the commonwealth regardless of
299 immigration status.

300 “Private entity” or “private entities”, (i) all private organizations employing, enrolling or
301 admitting to membership 10 or more people; or (ii) any private organization receiving state
302 funds.

303 “State entity”, any land, building, or part thereof, owned, leased, occupied, controlled by,
304 or used for business by the commonwealth, except for state courthouses.

305 SECTION X1. (a) Except as required by state or federal law or as required to administer a
306 state or federally supported or funded program, the governor may prohibit, in nonpublic areas of
307 any state entity, civil immigration enforcement activities.

308 (b) The governor shall, pursuant to chapter 30A of the General Laws, promulgate rules
309 and regulations necessary for the administration and enforcement of this section; provided,

310 however, that the regulations may identify state entities requiring prioritization to minimize
311 violations of people’s civil rights related to civil immigration enforcement.

312 SECTION X2. (a) The governor in consultation with the attorney general, shall publish
313 multilingual guidelines for all state agencies and private entities regarding how to handle
314 interactions with law enforcement officers involved in civil immigration enforcement. Said
315 guidelines shall include guidance on:

316 (1) designating a contact person or persons to be notified of the presence of, or
317 information requests from, law enforcement agents engaged in civil immigration enforcement;

318 (2) verifying the identity and authority of any law enforcement officer engaged in
319 civil immigration enforcement;

320 (3) verifying the validity of any judicial warrant or judicial order provided; and

321 (4) documenting all interactions with law enforcement agents engaged in civil
322 immigration enforcement; and

323 (5) informing all persons how to respond to requests relating to civil immigration
324 enforcement.

325 (b) The governor, in consultation with the attorney general, shall publish multilingual
326 guidelines for all law enforcement agencies regarding how to handle interactions by law
327 enforcement officers with people regarding civil immigration enforcement. Said guidelines shall
328 include, without limitation, guidance on:

329 (1) the duties and responsibilities of law enforcement agencies and law enforcement
330 officers related to civil immigration enforcement;

331 (2) reporting on activities of law enforcement officers involved in civil immigration
332 enforcement that are conducted in the presence of local and state law enforcement;

333 (3) providing any report of activities of law enforcement officers involved in civil
334 immigration enforcement to the attorney general for review and enforcement.

335 (c) The governor, in consultation with the attorney general, shall publish multilingual
336 guidelines explaining individual civil rights related to federal immigration enforcement,
337 including, guidelines on how people can contact legal services related to civil immigration
338 enforcement.

339 (d) The governor shall post the guidelines required to be published pursuant to this
340 section prominently on the commonwealth's website.

341 (e) The regulation required by this section shall be published and posted on the
342 Commonwealth's website not later than 190 days of the effective date of this act.

343 SECTION X. The guidelines required by section X1 shall be published and posted on the
344 Commonwealth's website within 190 days of the effective date of this act; provided, however,
345 that within 30 days of effective date of this act, the Governor shall publish temporary guidelines
346 pending publication of the final guidelines required by subsection (b); and provided further, that
347 the Governor may publish emergency regulation pursuant to chapter 30A of the General Laws
348 pending publication of the final guidelines required by subsection (b).

349 SECTION 8. (a) The attorney general may enforce sections 1, 2, 4 and 5 by a civil action
350 brought in the superior court for declaratory, injunctive and other equitable relief to compel
351 compliance or prevent violations.

352 (b) In an action under this section, the court may issue emergency, long-term and
353 permanent orders, including but not limited to: (i) an order requiring immediate compliance with
354 a statutory duty; (ii) an order prohibiting conduct that violates this act; (iii) a compliance plan
355 with deadlines; and (iv) reasonable monitoring and periodic reporting to the court.

356 (c) Nothing in this act shall be construed to create a private right of action; provided,
357 however, that nothing herein shall limit any remedy otherwise available under law.

358 SECTION 9. Sections 1, 4, and 5 shall take effect 90 days after the effective date of this
359 act.

360 SECTION 10. Section 2 shall take effect 180 days after the effective date of this act.

361 SECTION 11. Section 8 shall take effect 60 days after the effective date of this act.