

HOUSE No. 5316

The Commonwealth of Massachusetts

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

SENATE, April 30, 2026.

The committee on Senate Ways and Means to whom was referred the House Bill promoting rule of law, oversight, trust and equal constitutional treatment (House, No. 5316) (also based on Senate, Nos. 1059, 1122, 1127 and 2665); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3072.

For the committee,
Michael J. Rodrigues

HOUSE No. 5316

House bill No. 5305, as amended and passed to be engrossed by the House. March 25, 2026.

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.

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 6 of the General Laws is hereby amended by adding the following
2 3 sections:-

3 Section 223. For the purposes of this section and sections 224 and 225, the following
4 words shall, unless the context clearly requires otherwise, have the following meanings:

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

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

10 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
11 agency, including, but not limited to: (a) a city, town or district police department; (b) the office
12 of environmental law enforcement; (c) the University of Massachusetts police department; (d)

13 the department of the state police; (e) the Massachusetts Port Authority police department, also
14 known as the Port of Boston Authority police department; and (f) the Massachusetts Bay
15 Transportation Authority police department; (ii) a sheriff’s department in its performance of
16 police duties and functions; (iii) a public or private college, university or other educational
17 institution or hospital police department; (iv) a federal law enforcement agency; or (v) a humane
18 society police department in section 57 of chapter 22C.

19 “Law enforcement officer”, (i) any officer of a law enforcement agency, including the
20 head of the law enforcement agency; (ii) a special state police officer appointed pursuant to
21 section 57, section 58 or section 63 of chapter 22C; (iii) a special sheriff appointed pursuant to
22 section 4 of chapter 37 performing police duties and functions; (iv) a deputy sheriff appointed
23 pursuant to section 3 of said chapter 37 performing police duties and functions; (v) a constable
24 executing an arrest for any reason; or (vi) any other special, reserve or intermittent police officer.

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

26 “Private entity”, (i) a private organization employing, enrolling or admitting to
27 membership 10 or more people; or (ii) any private organization receiving state funds.

28 “State agency”, (i) any department, board, commission, division or authority of the state
29 government or subdivision of any of the foregoing, or official of the state government,
30 authorized by law to make regulations or to conduct adjudicatory proceedings; (ii) the general
31 court and any special legislative commission created by the general court; and (iii) any quasi-
32 state agency.

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

35 Section 224. (a) Except as required by state or federal law or as required to administer a
36 state or federally supported or funded program, the governor may prohibit, or otherwise limit, in
37 nonpublic areas of any state entity, civil immigration enforcement activities.

38 (b) The governor shall direct the executive office of administration and finance, pursuant
39 to chapter 30A, to promulgate rules or regulations necessary for the administration and
40 enforcement of this section; provided, however, that the rules or regulations may identify state
41 entities requiring prioritization to minimize violations of people’s civil rights related to civil
42 immigration enforcement.

43 Section 225. (a) The governor, in consultation with the attorney general, shall publish
44 multilingual guidelines for all state agencies and private entities on how to handle interactions
45 with law enforcement officers involved in civil immigration enforcement. The multilingual
46 guidelines shall include, but shall not be limited to, guidance on:

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

49 (ii) verifying the identity and authority of any law enforcement officer engaged in civil
50 immigration enforcement;

51 (iii) verifying the validity of any judicial warrant or judicial order provided;

52 (iv) documenting and maintaining records of all interactions with law enforcement agents
53 engaged in civil immigration enforcement; and

54 (v) informing all persons how to respond to requests relating to civil immigration
55 enforcement.

56 (b) The governor, in consultation with the attorney general, shall publish multilingual
57 guidelines for all law enforcement agencies on how to handle interactions between law
58 enforcement officers and people regarding civil immigration enforcement. The multilingual
59 guidelines shall include, but shall not be limited to, guidance on:

60 (i) the duties and responsibilities of law enforcement agencies and law enforcement
61 officers related to civil immigration enforcement;

62 (ii) reporting on activities of law enforcement officers involved in civil immigration
63 enforcement that are conducted in the presence of local and state law enforcement; and

64 (iii) providing any report of activities of law enforcement officers involved in civil
65 immigration enforcement to the attorney general for review and enforcement.

66 (c) The governor, in consultation with the attorney general, shall publish multilingual
67 guidelines explaining individual civil rights related to federal immigration enforcement,
68 including, but not limited to, guidelines on how people can contact legal services related to civil
69 immigration enforcement.

70 (d) The governor, in consultation with the attorney general, shall publish multilingual
71 guidelines for all school districts, as defined in section 2 of chapter 70, on how to handle
72 interactions with law enforcement officers regarding civil immigration enforcement. The
73 multilingual guidelines shall include, but shall not be limited to, guidance on:

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

76 (ii) verifying the identity and authority of any law enforcement officer engaged in civil
77 immigration enforcement;

78 (iii) verifying the validity of any judicial warrant or judicial order provided;

79 (iv) documenting and maintaining records of all interactions with law enforcement agents
80 engaged in civil immigration enforcement;

81 (v) informing all persons how to respond to requests relating to civil immigration
82 enforcement; and

83 (vi) any other information the governor and the attorney general deems relevant for
84 school districts.

85 (e) The governor shall post the published guidelines pursuant to this section prominently
86 on the commonwealth's website.

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

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

91 "Competent interpreter services", as defined in subsection (a) of section 25J of chapter
92 111.

93 "County correctional facility", as defined in section 1 of chapter 125.

94 “Facility”, any state correctional facility, state prison, county correctional facility, house
95 of correction or prerelease center, that houses detained individuals. “Facility” shall not include
96 courthouses.

97 “State correctional facility”, as defined in section 1 of chapter 125.

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

99 (c) Upon intake, each facility shall provide each detained individual with the following
100 written notices, in the individual’s primary language: (i) notice of the right to legal counsel; (ii)
101 notice of the right to decline interviews by state or federal law enforcement or consular officials;
102 (iii) instructions for contacting legal counsel and legal services; and (iv) the procedures for
103 confidential legal communications and grievance review.

104 (d)(1) Each facility shall ensure confidential, unmonitored attorney-client telephone
105 communications.

106 (2) Each facility shall provide a verified legal counsel phone line allowing the legal
107 counsel of record to complete not less than 1 confidential inbound call per day with the detained
108 individual; provided, however, that if direct inbound calling is technologically infeasible for a
109 facility, the facility shall provide a system for the legal counsel of record to request a confidential
110 callback that shall occur not later than 24 hours after the request by the legal counsel of record.

111 (e)(1) Each facility shall maintain a record identifying each individual detained in the
112 facility that shall include, but shall not be limited to: (i) confirmation of custody of the detained
113 individual in the facility; (ii) contact-routing information sufficient for legal counsel and a person
114 designated by the detained individual pursuant to clause (ii) of paragraph (2) to maintain contact

115 with the detained individual; and (iii) a facility procedure for legal communications and general
116 inquiries. The record shall be updated not later than 6 hours after intake into the facility and not
117 later than 6 hours after any transfer out of the facility.

118 (2) A facility shall provide the record to: (i) the legal counsel of record; and (ii) a person
119 designated, orally or in writing, by the detained individual at intake and recorded in the intake
120 record.

121 (f) Not later than 6 hours after any transfer of a detained individual, to or from the
122 facility, each facility shall make reasonable efforts to notify the legal counsel of record and any
123 designated contact recorded pursuant to clause (ii) of paragraph (2) of subsection (e), including,
124 but not limited to, the name of the receiving facility and instructions for locating the individual.

125 (g) The facility shall provide competent interpreter services for any: (i) intake materials
126 pursuant to subsection (c); (ii) medical related interactions; (iii) mental and behavioral health
127 related interactions; (iv) disciplinary related interactions; (v) legal-access related interactions;
128 and (vi) grievance related interactions.

129 (h)(1) No facility shall impede a detained individual's reasonable access to legal counsel
130 or any required proceedings.

131 (2) Each facility shall provide transportation or functional remote access to mandatory
132 government appointments or any other court proceedings.

133 (i)(1) Each facility shall provide a public phone number for a caller to obtain
134 confirmation of whether an individual is detained at a facility and shall provide information on
135 how a caller may obtain contact instructions; provided, that the facility may require the caller to

136 provide the individual's full name, date of birth and additional identifying information, as
137 necessary, to resolve multiple matches.

138 (2) Each facility shall limit disclosure to the minimum information necessary to locate
139 and contact the detained individual.

140 (3) Each facility shall maintain audit logs of access attempts and disclosures for not less
141 than 1 year.

142 (4) Each facility shall implement reasonable identity verification, auditing and privacy
143 safeguards.

144 (5) Each facility shall adopt written policies for identity verification and access control.

145 (j) The secretary of public safety and security, in consultation with the attorney general,
146 shall promulgate regulations establishing minimum compliance standards and requirements for
147 written policies at each facility.

148 (k)(1) The attorney general may enforce this section by a civil action brought in the
149 superior court for declaratory, injunctive and other equitable relief to compel compliance or
150 prevent violations.

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

155 (3) Nothing in this section shall be construed to create a private right of action; provided,
156 however, that nothing herein shall limit any remedy otherwise available under law.

157 SECTION 3. Chapter 147 of the General Laws is hereby amended by adding the
158 following section:-

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

161 “Articulate, case-specific reason”, necessary to prove an element of a criminal offense
162 that is specific to the facts of that case and documented in the applicable incident report or case
163 file.

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

167 “Federal immigration authority”, the United States Department of Homeland Security,
168 U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection or any
169 successor entity, and any person acting on their behalf.

170 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
171 agency, including, but not limited to, a city, town or district police department, the office of
172 environmental law enforcement, the University of Massachusetts police department, the
173 department of the state police, the Massachusetts Port Authority police department, also known
174 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
175 Authority police department; (ii) a sheriff’s department; (iii) a public or private college,
176 university or other educational institution or hospital police department; or (iv) a humane society
177 police department in section 57 of chapter 22C.

178 “Law enforcement officer” or “officer”, any officer or employee of an agency, including
179 the head of the agency; a special state police officer appointed pursuant to section 57, section 58
180 or section 63 of chapter 22C; a special sheriff appointed pursuant to section 4 of chapter 37; a
181 deputy sheriff appointed pursuant to section 3 of said chapter 37; a constable executing an arrest
182 for any reason; or any other special, reserve or intermittent police officer.

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

185 (b)(1) For purposes of this subsection, a person’s immigration or citizenship status shall
186 be deemed directly material only when necessary to establish an element of a specific criminal
187 offense under the laws of the commonwealth and shall not be deemed directly material for
188 assessing credibility, cooperation or for general information gathering.

189 (2) No law enforcement officer or employee of a law enforcement agency shall:

190 (i) except as required by federal or state law, or pursuant to a judicial warrant, court order
191 or treaty, inquire about the immigration or citizenship status of any person; provided, however,
192 that a law enforcement officer may make such inquiry only when the officer has an articulable,
193 case-specific reason to believe the person’s immigration or citizenship status is directly material
194 to an element of a specific criminal offense under the laws of the commonwealth being
195 investigated and the officer documents that reason in the incident report or case file;

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

198 (iii) except as required by federal or state law, or pursuant to a judicial warrant, court
199 order or treaty, use state or local resources for a federal civil immigration enforcement action; or

200 (iv) except as required by federal or state law, or pursuant to a judicial warrant, court
201 order or treaty, initiate contact with any federal authority to: (A) provide nonpublic personal
202 information to a federal immigration authority; or (B) provide advance notice of the release date
203 of a person, including, but not limited to, a person convicted pursuant to chapter 265, except for
204 sections 9, 10, 11, 12, 30, 32, 34, 35, 36, 40, and 42 of chapter 265; provided, however, that the
205 release date of a person's completed sentence, including, but not limited to, a sentence for a
206 conviction pursuant to chapter 265, except for sections 9, 10, 11, 12, 30, 32, 34, 35, 36, 40, and
207 42 of chapter 265, may be provided.

208 (c)(1) No law enforcement agency or political subdivision of the commonwealth shall
209 execute, renew or materially expand a memorandum of agreement under section 287(g) of the
210 federal Immigration and Nationality Act or any substantially similar agreement or arrangement
211 that deputizes state or local law enforcement officers or personnel to perform civil immigration
212 enforcement functions; provided, however, that the department of correction may maintain the
213 memorandum of agreement under section 287(g) of the federal Immigration and Nationality Act
214 8 U.S.C. § 1357 in effect as of June 8, 2020; and provided further, that the department of
215 correction shall apply to the executive office of public safety and security to renew or materially
216 expand a memorandum of agreement under section 287(g) of the federal Immigration and
217 Nationality Act 8 U.S.C. § 1357 or any substantially similar agreement or arrangement that
218 deputizes state or local law enforcement officers or personnel to perform civil immigration
219 enforcement functions or to execute any new agreements.

220 (2) Notwithstanding paragraph (1), a law enforcement agency may apply to the secretary
221 of public safety and security for a time-limited agreement not greater than 12 months, pursuant to
222 section 287(g) of the federal Immigration and Nationality Act 8 U.S.C. § 1357; provided, that the
223 agreement shall be restricted solely to criminal public safety purposes and shall not authorize
224 civil immigration enforcement; provided further, that: (i) the agreement shall be limited to
225 cooperation in the execution of criminal warrants or criminal process issued by a court of
226 competent jurisdiction; (ii) the application shall demonstrate an articulable, imminent public
227 safety interest; (iii) the secretary of public safety and security shall issue a written determination
228 after public notice and comment and consultation with the attorney general; (iv) the attorney
229 general shall prepare and publish, contemporaneously with the secretary's written determination,
230 a written legal analysis assessing compliance with this subsection and identifying material legal
231 risks, including potential federal preemption or intergovernmental immunity concerns; (v) any
232 approval of an application shall sunset not later than 12 months after issuance; provided, that no
233 application shall be automatically renewed; and provided further, that a law enforcement agency
234 may submit a new application pursuant to this paragraph for an additional 12 months; and (vi) the
235 law enforcement agency shall file quarterly public reports, available on the law enforcement
236 agency's website, describing implementation, excluding personally identifying information.

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

242 (e)(1) The attorney general may enforce this section by a civil action brought in the
243 superior court for declaratory, injunctive and other equitable relief to compel compliance or
244 prevent violations.

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

249 (3) Nothing in this section shall be construed to create a private right of action; provided,
250 however, that nothing herein shall limit any remedy otherwise available under law.

251 SECTION 4. Section 19C of chapter 149 of the General Laws, as appearing in the 2024
252 Official Edition, is hereby amended by inserting after the second paragraph the following
253 paragraph:-

254 Except as required by federal law, not later than 48 hours after receiving a notice of
255 inspection by U.S. Immigration and Customs Enforcement for I-9 employment eligibility
256 verification forms or other employment records, each employer shall provide written notice to
257 each employee of any such request.

258 SECTION 5. The General Laws are hereby further amended by inserting after chapter
259 221C the following chapter:-

260 Chapter 221D

261 CIVIL ARRESTS IN COURTS

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

264 “Civil arrest”, an arrest that is not: (i) for the purpose of preparing the person subject to
265 such arrest for criminal prosecution for an alleged violation of the criminal law of: (A) the
266 commonwealth or another jurisdiction within the United States, for which a sentence of a term of
267 imprisonment is authorized by law; or (B) the United States, for which a sentence of a term of
268 imprisonment is authorized by law and for which federal law requires an initial appearance
269 before a federal judge, federal magistrate or other judicial officer pursuant to the federal rules of
270 criminal procedure that govern initial appearances; (ii) for contempt of court; (iii) for a capias
271 issued by a judge of the commonwealth; (iv) for a parole warrant issued under section 149A of
272 chapter 127 or a probation warrant issued under section 3 of chapter 279; (v) for a governor’s
273 warrant of arrest issued under section 16 of chapter 276; or (vi) related to an application for
274 commitment under section 12 of chapter 123.

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

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

280 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
281 agency, including, but not limited to: a city, town or district police department, the office of
282 environmental law enforcement, the University of Massachusetts police department, the
283 department of the state police, the Massachusetts Port Authority police department, also known

284 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
285 Authority police department; (ii) a sheriff’s department in its performance of police duties and
286 functions; (iii) a public or private college, university or other educational institution or hospital
287 police department; (iv) a federal law enforcement agency; or (v) a humane society police
288 department in section 57 of chapter 22C.

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

295 Section 2. (a) No law enforcement officer or other employee or representative of a law
296 enforcement agency shall make a civil arrest of an individual present at a courthouse unless such
297 law enforcement officer, employee or representative: (i) is acting in their official capacity; and
298 (ii) has provided documentation to a designated judge, justice or judicial magistrate sitting in the
299 courthouse demonstrating that the individual to be arrested is the subject of a judicial warrant or
300 judicial order authorizing civil arrest. The designated judicial official shall promptly review such
301 documentation.

302 (b) Except in extraordinary circumstances, as determined by the designated judicial
303 official, a civil arrest shall not be made by a law enforcement officer or other representative of a
304 law enforcement agency in a courtroom.

305 Section 3. (a) Copies of all warrants and orders authorizing arrest and provided to court
306 personnel pursuant to this chapter shall be maintained by the chief justice of the trial court.

307 (b) Annually, not later than July 1, the trial court shall prepare, publish on the court's
308 website and provide to the governor, the speaker of the house of representatives, the president of
309 the senate, the clerks of the house and senate, the chairs of the joint committee on public safety
310 and homeland security and the chairs of the joint committee on the judiciary a report containing
311 information on the warrants and judicial orders received by each local and state court of the
312 commonwealth pursuant to this chapter in the past year. The report shall include, but shall not be
313 limited to: (i) the date each judicial warrant or judicial order was signed; (ii) the name of the
314 judge who issued the judicial warrant or judicial order; (iii) the name and location of the court
315 that issued the judicial warrant or judicial order, as shown by such judicial warrant or judicial
316 order; (iv) the date the judicial warrant or judicial order was presented to the court; (v) a
317 description of the type of judicial warrant or judicial order; and (vi) if known, whether or not an
318 arrest occurred with respect to such warrant and the date and location of such arrest.

319 Section 4. An arrest or detention in violation of this chapter shall constitute false
320 imprisonment; provided, however, that nothing in this chapter shall affect any right or defense
321 available to a person, law enforcement officer, public officer or court employee acting lawfully
322 and in accordance with duties pursuant to section 70A of chapter 221.

323 Section 5. (a)(1) The attorney general may enforce this chapter by a civil action brought
324 in the superior court for declaratory, injunctive or other equitable relief.

325 (2) In an action under this chapter, the court may issue relief, including, but not limited
326 to, emergency, long-term and permanent orders, including, but not limited to: (i) an order

327 requiring immediate compliance with a statutory duty; (ii) an order prohibiting conduct that
328 violates this section; (iii) a compliance plan with deadlines; and (iv) reasonable monitoring and
329 periodic reporting to the court.

330 (b) Nothing in this chapter shall be construed to create a private right of action; provided,
331 however, that nothing herein shall limit any remedy otherwise available under law; and provided
332 further, that an individual may apply for a writ of habeas corpus if the individual has reasonable
333 cause to believe a violation of this chapter has occurred.

334 Section 6. Nothing in this chapter shall be construed to narrow or abrogate rights or
335 privileges against civil arrest that exist under the common law.

336 Section 7. No action may be commenced pursuant to this chapter against the judicial
337 branch or any officer or employee of the judicial branch acting lawfully and in good faith,
338 pursuant to such officer's or employee's official duties and in accordance with this chapter and
339 other applicable laws and regulations.

340 Section 8. Nothing in this chapter shall be interpreted to require any person, including
341 any law enforcement officer, court employee or court officer, to interfere with or assist the
342 actions of a federal official engaged in civil immigration enforcement. Nothing in this chapter
343 shall be interpreted to confer upon any law enforcement officer the authority, obligation or
344 responsibility to enforce, interpret, supervise, assess compliance with or prevent conduct
345 governed by this chapter.

346 Section 9. The chief justice of the trial court may issue rules and notices to implement
347 this chapter; provided, however, that the protections of this chapter shall apply regardless of
348 whether the trial court implements rules or notices.

349 SECTION 6. The General Laws are hereby further amended by striking out chapter 258F
350 and inserting in place thereof the following chapter:-

351 Chapter 258F

352 CERTIFICATION FOR VICTIMS OF CRIMINAL ACTIVITY AND HUMAN
353 TRAFFICKING

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

356 “Certifying entity”, any law enforcement agency, any district attorney and the attorney
357 general.

358 “Helpful” or “helpfulness”, as described in 8 U.S.C. § 1101 or any related guidance and
359 required on the applicable federal certification form; provided, that “helpfulness” shall include
360 being helpful in the past, currently being helpful or being likely to be helpful.

361 “Qualifying criminal activity”, (i) criminal activity described in 8 U.S.C. §
362 1101(a)(15)(U)(iii) and severe forms of trafficking in persons described in 8 U.S.C. §
363 1101(a)(15)(T); and (ii) any offense under the laws of the commonwealth or a political
364 subdivision thereof that is substantially similar.

365 Section 2. A certifying entity may certify a request of a victim of qualifying criminal
366 activity who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(U) or from
367 a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa
368 under 8 U.S.C. § 1101(a)(15)(T), pursuant to this chapter. For purposes of determining whether a
369 person is a victim of qualifying criminal activity for certification, a certifying entity shall not

370 require the filing of criminal charges or a conviction. For purposes of certification decisions
371 under this chapter, allegations of wage theft, workplace safety violations, housing violations or
372 labor exploitation accompanied by threats of deportation, intimidation or retaliation may
373 constitute qualifying criminal activity where the alleged conduct is reasonably consistent with
374 extortion, coercion, involuntary servitude, peonage, obstruction of justice, witness intimidation
375 or other substantially similar offenses under state or federal law.

376 Section 3. Each certifying entity shall adopt, publish and maintain a written certification
377 policy consistent with this chapter and the regulations promulgated pursuant to section 6. The
378 policy shall include, but shall not be limited to: (i) identification of a designated certifying
379 official within the certifying entity and an alternate; (ii) a description of how requests may be
380 submitted, which shall include, but not be limited to, by email, through legal counsel or through
381 an authorized advocate; (iii) objective criteria used to assess whether a person is a victim who
382 meets the requirements for helpfulness consistent with federal certification forms; (iv) a
383 prohibition of consideration of the applicant's immigration admissibility or eligibility beyond the
384 determinations required by the federal certification form; (v) a prohibition of any fee; and (vi) a
385 description of the certifying entity's internal review process for denials.

386 Section 4. (a) Not later than 45 days after receiving the request, a certifying entity shall
387 respond to a certification request from a victim of qualifying criminal activity who intends to
388 petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(U) or from a victim of severe
389 forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. §
390 1101(a)(15)(T).

391 (b) If the applicant, or the applicant’s counsel or advocate, certifies that the applicant is in
392 federal removal proceedings or has a scheduled immigration court hearing within 45 days or has
393 a derivative beneficiary as described in 8 U.S.C. § 1101(a)(15)(T)(ii)(III) who will age out
394 within 45 days, the certifying entity shall respond not later than 14 business days after receiving
395 the request; provided, however, that if extraordinary circumstances outside of the certifying
396 entity’s control prevent the certifying entity from responding within 14 business days after
397 receiving the request, the certifying entity shall provide a written explanation of the delay to the
398 applicant, or the applicant’s counsel or advocate, which shall include a projected response date.

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

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

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

413 Section 6. (a) The secretary of public safety and security, in consultation with the
414 attorney general, may promulgate regulations to implement this chapter, including, but not
415 limited to: (i) minimum standards for internal review processes, training and data reporting under
416 this chapter; and (ii) allowing any executive branch agency or its political subdivision to
417 facilitate the submission of an application for certification pursuant to this chapter.

418 (b) Annually, each certifying entity shall report to the secretary of public safety and
419 security aggregate data sufficient to evaluate compliance, including request volume, response
420 times, approvals, denials and reasons for denial, in a manner that protects confidentiality.

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

424 SECTION 7. Section 58 of chapter 276 of the General Laws, as appearing in the 2024
425 Official Edition, is hereby amended by inserting after the word “community”, in line 31, the
426 following words:- , the likelihood of imminent deportation.

427 SECTION 8. Not later than 190 days of the effective date of this act, the rules or
428 regulations required by section 224 of chapter 6 of the General Laws, inserted by section 1, shall
429 be published and posted on the commonwealth’s website; provided, however, that within 30 days
430 of the effective date of this act, the governor shall direct the executive office of administration
431 and finance to publish temporary guidelines pending publication of the final rules or regulations
432 required by subsection (b) of said section 224 of said chapter 6; and provided further, that the
433 governor may direct the executive office of administration and finance to publish emergency

434 regulations pursuant to chapter 30A of the General Laws pending publication of the final rules or
435 regulations required by said subsection (b) of said section 224 of said chapter 6.

436 SECTION 9. Not later than 190 days of the effective date of this act, the guidelines
437 required pursuant to section 225 of chapter 6 of the General Laws, inserted by section 1, shall be
438 published and posted to the commonwealth's website.

439 SECTION 10. Sections 2, 5, and 6 shall take effect 90 days after the effective date of this
440 act.

441 SECTION 11. Section 3 shall take effect 180 days after the effective date of this act.