

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Manny Cruz and Priscila S. Sousa***

*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 protect the civil rights and safety of all Massachusetts residents.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/17/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

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

An Act to protect the civil rights and safety of all Massachusetts residents.

*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. This act shall be known and may be cited as the “Safe Communities Act”

2 SECTION 2. Chapter 147 of the General Laws is hereby amended by inserting after  
3 section 62 the following section:-

4 Section 63. Updates to Law Enforcement Procedures

5 (a) Definitions

6 As used in this section, the following words shall have the following meanings, unless the  
7 context clearly requires otherwise:

8 “Law enforcement agency”, any state, municipal, college or university police department,  
9 sheriff’s department, correctional facility, prosecutorial office, court, probation office, or  
10 program of one or more of the foregoing entities, or any other non-federal entity in the  
11 commonwealth charged with the enforcement of laws or the custody of detained persons.

12 “Immigration enforcement”, any and all efforts to investigate, enforce, or assist in  
13 investigating or enforcing any federal immigration law. Such purposes do not include  
14 verification of an applicant’s eligibility for state or federal programs or services.

15 “United States Department of Homeland Security” or “DHS”, the United States  
16 Department of Homeland Security and its component agencies, including Immigration and  
17 Customs Enforcement, the former Immigration and Naturalization Service, Customs and Border  
18 Protection, and any other federal agency charged with enforcing immigration laws.

19 (b) Community relations with law enforcement agencies

20 Notwithstanding any general or special law to the contrary, no officer or employee of a  
21 law enforcement agency, while acting under color of law, shall question persons, including  
22 victims and witnesses of crimes, about their immigration status unless state or federal law  
23 requires the inquiry, provided that judges and magistrates may make such inquiries as are  
24 necessary to adjudicate matters within their jurisdictions.

25 (c) Due process protections

26 Notwithstanding any general or special law to the contrary, an interview, including any  
27 informal questioning, between an agent of the United States Department of Homeland Security  
28 or an officer or employee of a law enforcement agency and a person in the custody of a law  
29 enforcement agency conducted for immigration enforcement purposes shall take place only if the  
30 person in custody gives informed consent by signing a written consent form provided by the law  
31 enforcement agency. The consent form shall explain that: (i) the interview is for immigration  
32 enforcement or deportation purposes; (ii) any information provided at the interview can be used  
33 against the person; (iii) the person may decline to sign any documents that are presented during

34 the interview; and (iv) the person may choose to decline the interview or to be  
35 interviewed only with an attorney present, at the person's own expense. The consent form shall  
36 provide a checkbox or other means to indicate if an interview has taken place, and if so, if an  
37 attorney was present. The consent form shall be available in English and other languages  
38 commonly spoken in Massachusetts. The law enforcement agency shall make best efforts to  
39 provide a consent form that is in a language that the person understands, and to provide oral  
40 interpretation if needed, in order to obtain the person's informed consent for the interview. The  
41 office of the attorney general shall prepare the consent form and make it available to law  
42 enforcement agencies, and may work with interested not-for-profit organizations to prepare  
43 translations of the form.

44 Any and all records relating to the granting of these interviews or questioning shall be  
45 public records as defined in paragraph 26 of section 7 of chapter 4, provided that names,  
46 addresses, phone numbers and other personal identifying information shall not be a public  
47 record. These records include the signed consent forms obtained before the interviews, and  
48 information about whether the interview or questioning was conducted in the presence of an  
49 attorney.

50 (d) The preceding subsections (b) and (c) shall not apply to interviews or questioning of  
51 persons who are held in Massachusetts correctional facilities under an Inter-Governmental  
52 Service Agreement with the United States Department of Homeland Security, provided,  
53 however, that persons who are booked into a correctional facility under such an agreement shall  
54 be advised at the booking that the person (i) has the right to seek legal counsel from an  
55 immigration attorney at their own expense; (ii) may choose to decline to speak with a DHS agent

56 or to speak with the DHS agent only with an attorney present; and (iii) may decline to sign any  
57 documents presented by a DHS agent.

58 (e) Guidelines for reporting release information

59 Notwithstanding any general or special law to the contrary, no officer or employee of a  
60 law enforcement agency shall initiate communication with the United States Department of  
61 Homeland Security about the pending or imminent release, from state, local or county custody,  
62 of a person who is being released for any reason other than the end of a sentence of incarceration  
63 for a criminal conviction; provided, however, that nothing in this section shall prohibit or restrain  
64 any state or local agency from sending to, or receiving from, any local, state, or federal agency,  
65 information regarding citizenship or immigration status.

66 If a law enforcement agency receives a request for notification from the United States  
67 Department of Homeland Security regarding a person in its custody, including a request for  
68 notification under to federal form I-247A or I-247N, the law enforcement agency shall inform  
69 the person of the request and shall provide the person with a copy of the request and copies of  
70 any other documentation pertaining to the person's case that is presented to the law enforcement  
71 agency by the United States Department of Homeland Security.

72 (f) Implementation and training

73 Notwithstanding any general or special law to the contrary, all law enforcement agencies  
74 in the commonwealth shall, within 12 months of passage of this act, incorporate information and  
75 guidance regarding this section into their regular introductory and in-service training programs.  
76 An individual may file a complaint for a violation of this section with the corresponding  
77 department or agency, which shall investigate the complaint. At the conclusion of the

78 investigation, the agency head shall provide the executive office of public safety and security  
79 with a written summary of the investigation's findings. If the agency head substantiates the  
80 allegations, the written summary shall provide details of the specific actions taken to correct the  
81 violation as well as details of the sanctions imposed on the subjects of the investigation, if any.  
82 Findings made under this subsection shall be public records as defined in paragraph 26 of section  
83 7 of chapter 4, provided that personal identifying information shall not be a public record.

84 SECTION 3. Chapter 126 of the General Laws is hereby amended by inserting after  
85 section 39 the following section:-

86 Section 40. Notwithstanding any general or special law to the contrary, no officer or  
87 employee of the department of corrections, the state police, any sheriff's department, or any city  
88 or town police department shall perform the functions of an immigration officer, whether  
89 pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or  
90 informal. Any agreements in existence at the time of the passage of the law that are inconsistent  
91 with this section are null and void. Any entity of the commonwealth or any political subdivision  
92 thereof that is a party to such an agreement on the date of the passage of this act shall, within 90  
93 days, inform the other party or parties that the contract is null and void under Massachusetts law.  
94 Nothing in this section shall prohibit the department of correction or a house of correction from  
95 entering into an Inter-Governmental Service Agreement with the United States Department of  
96 Homeland Security in which persons in Immigration and Customs Enforcement custody are  
97 housed at the house of correction and the United States Department of Homeland Security pays a  
98 daily fee for each person detained there.