

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

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**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 relative to public safety, fiscal responsibility, and emergency assistance.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</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 relative to public safety, fiscal responsibility, and emergency assistance.

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

3 Section 20S. (a) Any employee of the Commonwealth, or a public instrumentality or  
4 political subdivision thereof, who holds police powers or the powers of a sheriff or deputy  
5 sheriff, including but not limited to municipal police officers, court officers, and state troopers,  
6 and who has lawful custody of a person may, upon receipt of (1) a written request from United  
7 States Immigration and Customs Enforcement requesting detention of such person on the  
8 grounds that there is probable cause that such person is a removable alien and (2) an  
9 administrative warrant for arrest or warrant of removal/deportation, detain such person for a  
10 reasonable period of time after such person would otherwise be released from custody in order to  
11 transfer custody of such person to United States Immigration and Customs Enforcement,  
12 provided that a supervisory officer of such employee’s agency has, in accordance with a policy  
13 promulgated in accordance with subsection (c), first determined that there are specific facts

14 indicating that the person to be detained poses a threat to public safety; and further provided that  
15 such person be provided with a copy of such written request; and further provided that in no  
16 circumstances shall such detention exceed 12 hours unless an appropriate judicial officer shall  
17 have made a probable cause determination under the procedure set forth in subsection (d).

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

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

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

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

27 (4) the person has been convicted of an aggravated felony, as defined under 8 U.S.C. §  
28 1101(a)(43); or

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

35 (c) Each agency of the Commonwealth or any public instrumentality or political  
36 subdivision of the Commonwealth that chooses to allow its employees to exercise the authority  
37 granted by subsection (a) shall promulgate a written policy designating which supervisory  
38 officers may make the determination required by subsection (a) before a person is detained and  
39 the criteria such supervisory officer shall use in making such determination.

40 (d) A determination of probable cause for detention shall be made by an appropriate  
41 judicial officer and promptly reduced to writing. The appropriate judicial officer shall consider  
42 any information presented by the detaining agency, whether or not known at the time of initial  
43 detention. The detaining agency shall present the information under oath or affirmation or under  
44 the pains and penalties of perjury, and may present the information orally, in person or by any  
45 other means, or in writing. If presented in writing, the information may be transmitted to the  
46 appropriate judicial officer by facsimile transmission or by electronic mail or by such other  
47 electronic means as may be found acceptable by the court. The determination of probable cause  
48 for detention shall be an ex parte proceeding. The person detained shall have no right to appear,  
49 either in person or by counsel. If the judicial officer determines that there is not probable cause  
50 to believe the person detained is a removable alien, then the judicial officer shall order that the  
51 person be released forthwith. Such a determination and order shall be filed in the District Court  
52 having jurisdiction over the location of the detention, together with all written information  
53 submitted by the detaining agency. Such documents shall be filed separately from the records of  
54 criminal cases, and shall be open for inspection by the public. If a determination under this  
55 subsection is necessary, the detaining agency shall present the information necessary to obtain  
56 such determination to the appropriate judicial officer as soon as reasonably possible after the  
57 detention begins, but no later than 12 hours after the detention begins.

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

61 SECTION 2. Notwithstanding any general or special law to the contrary, any funds  
62 expended for the purpose of providing services through or related to those served by the  
63 emergency housing assistance program shall be subject to a competitive bidding process.

64 SECTION 3. Section 30 of Chapter 23B of the General Laws, as appearing in the 2022  
65 Official Edition, is hereby amended by inserting the following paragraph after the first  
66 paragraph:-

67 (a) Notwithstanding any general or special law, rule, or regulation to the contrary,  
68 eligibility for the emergency housing assistance program shall be limited to (1) United States  
69 citizens and (2) lawfully present immigrants who have maintained continuous legal residency in  
70 the Commonwealth of Massachusetts for at least 12 consecutive months immediately prior to the  
71 date of application.

72 (b) Acceptable proof of legal residency must consist of the following two forms of  
73 documentation, both issued at least 12 months before the application date:

74 Proof of U.S. Citizenship or Lawful Permanent Residency: (1) A valid U.S. Passport with  
75 a Massachusetts address; (2) A certified U.S. Birth Certificate with proof of Massachusetts  
76 residency; (3) A valid Certificate of Naturalization or Citizenship; (4) A valid Green Card  
77 (Permanent Resident Card) issued at least one year prior.

78 Proof of Continuous Residency in Massachusetts: (1) Filed Massachusetts state income  
79 tax return for the most recent tax year r; (2) Valid REAL ID-compliant Massachusetts driver's  
80 license issued at least one year prior; (3) Utility bill, lease, or mortgage statement in the  
81 applicant's name, dated at least one year prior; Or (4) pay stubs showing continuous  
82 Massachusetts employment for at least one year.

83 (d) All submitted documentation shall be subject to verification by the Executive Office  
84 of Housing and Livable Communities in coordination with the Department of Revenue and the  
85 Registry of Motor Vehicles. Any attempt to submit fraudulent documents will result in  
86 permanent disqualification from the program.

87 (e) The Executive Office of Housing and Livable Communities shall promulgate  
88 regulations to enforce this residency requirement, including procedures for cross-agency  
89 verification and fraud detection.

90 (f) For purposes of this section, a residency requirement shall not be required for victims  
91 of domestic violence; or a person whose living situation has been affected by a fire or other  
92 natural disaster that occurred in Massachusetts.

93 SECTION 4. Section 30 of Chapter 23B of the General Laws, as appearing in the 2022  
94 Official Edition, is hereby amended by inserting at the end thereof the following paragraph:-

95 "Notwithstanding any general or special law to the contrary, no individual convicted or  
96 charged with a violent felony or a sexual offense pursuant to chapter 265 of the General Laws, as  
97 so appearing, while receiving benefits pursuant to this chapter shall be eligible to continue to  
98 receive such benefits absent a written waiver issued by the secretary of the executive office of  
99 housing and livable communities."

100 SECTION 5. The office of the inspector general, shall, subject to appropriation, convene  
101 a special unit for the purpose of providing ongoing and comprehensive oversight of actions taken  
102 by the commonwealth in response to the ongoing crisis attributable to the influx of migrants into  
103 the state. Such a special unit shall identify, review, and analyze the cost and cost-effectiveness of  
104 specialized contracts and procurements, and payments for such resources as food, and housing,  
105 healthcare, education, and legal services.

106 Said unit shall file reports, together with legislative and regulatory recommendations,  
107 with the clerks of the House and Senate, the Senate and House Committees on Ways and Means,  
108 and the Secretary of Administration and Finance quarterly, beginning not later than 3 months  
109 following the passage of this act, for a period of not less than 3 years, unless otherwise such  
110 requirement is otherwise modified, terminated, or extended, provided that such reports shall also  
111 be posted electronically so as to enable public inspection.

112 SECTION 6. Section 5 shall expire 3 years after the passage of this act.

113 SECTION 7. Section 30 of Chapter 23B of the General Laws, as appearing in the 2022  
114 Official Edition, is hereby amended by inserting the following paragraph after the first  
115 paragraph:-

116 The executive office shall prioritize access to emergency shelter assistance for the  
117 following groups: (1) Veterans as defined by section 1 of chapter 115; (2) elderly persons as  
118 defined in section 14 of chapter 19A; (3) families with legal residence in the Commonwealth  
119 who are homeless or at risk of homelessness, as defined by regulations promulgated by the  
120 executive office; (4) victims of domestic violence; or (5) a person whose living situation has  
121 been affected by a fire or other natural disaster that occurred in Massachusetts.

122 SECTION 8. Paragraph (G) of section 30 of chapter 23B of the General Laws, as most  
123 recently amended by section 3 of chapter 88 of the Acts of 2024, is hereby amended by striking  
124 out subparagraph (3) and inserting in place thereof the following paragraph:-

125 (3) A family with children or a pregnant woman with no other children that receives  
126 benefits through the emergency housing assistance program shall, subject to appropriation and  
127 rules and regulations, remain eligible for the program for not more than 6 consecutive months.

128 SECTION 9. (a) For purposes of this Act “Background Check” shall be defined as a “a  
129 comprehensive review of an individual’s personal, criminal, and financial history, including but  
130 not limited to: criminal records at the state, federal, and international levels; employment history;  
131 education verification; immigration or residency status; financial history, including credit  
132 checks; presence on international or domestic criminal watch lists.”

133 (b) The background check shall be conducted by an approved and licensed entity that  
134 complies with federal, state, and local laws governing background investigations, including but  
135 not limited to the United States Fair Credit Reporting Act.

136 (c) The required background check shall include, but is not limited to: criminal history  
137 review, including state, national, and international records; verification of employment and  
138 education history; immigration and residency status verification through the Department of  
139 Homeland Security or its equivalent; review of financial history, including creditworthiness, if  
140 applicable to program eligibility criteria; social security number verification and identification  
141 validation; and, screening against state and federal sex offender registries and other public safety  
142 databases.



143 (d) Law enforcement agencies accessing data under this provision shall adhere to all  
144 applicable state and federal privacy and data protection laws.

145 (e) Individuals with criminal convictions related to violent crimes, sexual offenses, fraud,  
146 or other serious offenses committed within the past 10 years may be deemed ineligible for  
147 housing program participation, subject to review by the administering agency.

148 (f) All information obtained through the background check process and data access under  
149 this Act shall be kept confidential and used solely for the purposes provided in this Act.

150 (g) Administering agencies and law enforcement must establish secure systems for the  
151 storage and handling of sensitive information.

152 (h) Background check and data access procedures under this Act shall comply with all  
153 applicable state and federal privacy laws, including but not limited to the General Data  
154 Protection Regulation (GDPR) for international applicants.

155 (i) Any agency or entity administering housing programs or managing data found in  
156 violation of this Act shall be subject to penalties, including fines, suspension of funding, or other  
157 sanctions as determined by the Executive Office of Housing and Livable Communities or other  
158 applicable authorities.