

**SENATE . . . . . No. 3072**

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**The Commonwealth of Massachusetts**

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

**The Commonwealth of Massachusetts**

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

1           SECTION 1. Chapter 12 of the General Laws is hereby amended by inserting after  
2 Section 11I 3/4 the following section:-

3           Section 11I 5/6. (a) Every person who, under color of any statute, ordinance, regulation,  
4 custom or usage of any state, territory, the District of Columbia or the United States, subjects or  
5 causes to be subjected any citizen of the commonwealth or other person within the jurisdiction  
6 thereof to the deprivation of any rights, privileges or immunities secured by the Constitution of  
7 the United States, shall be liable to the party injured in an action at law, suit in equity or other  
8 proper proceeding for redress, except that in any action brought against a judicial officer for an  
9 act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted  
10 unless a declaratory decree was violated or declaratory relief was unavailable.

11           (b) Any defense under 42 U.S.C. § 1983, including a defense of qualified immunity,  
12 available to a defendant alleged to have acted under the color of any state or municipal law, is  
13 likewise and to the same extent available in defense of an action brought under subsection (a).

14           (c) Any aggrieved person or persons who prevail in an action authorized by subsection  
15 (a) shall be entitled to an award of the costs of the litigation and reasonable attorneys’ fees in an  
16 amount to be fixed by the court, to the same extent as provided for by 42 U.S.C. § 1988.

17 (d) Any aggrieved person or persons who bring a claim under subsection (a) must, at the  
18 time of filing said claim, provide written notice to the attorney general and certify to the court  
19 where said claim is filed that such notice has been provided.

20 SECTION 2. Chapter 15D of the General Laws is hereby amended by adding the  
21 following section:-

22 Section 23. (a) For the purposes of this section, the following words shall have the  
23 following meanings, unless the context clearly requires otherwise:

24 “Civil law enforcement”, efforts to investigate, enforce, or assist in the investigation or  
25 enforcement of civil law, including but not limited to any federal civil immigration law.

26 “Judicial warrant or judicial order”, an arrest warrant or other judicial order, signed by a  
27 judge or magistrate sitting in the judicial branch of a local or state government or of the federal  
28 government, authorizing an arrest.

29 “Premises”, the private residence or the facility that is licensed for the early care and  
30 education of children, and the outdoor space on which the residence or facility is located.

31 (b) Except as required by state or federal law or as required for the commonwealth or any  
32 of its subdivisions to administer a state or federally supported or funded program, arrests for civil  
33 law enforcement shall not be permitted on the premises of a licensed child care center, family  
34 child care home or school-aged child care program without a valid judicial warrant or judicial  
35 order.

36 (c) Each licensed child care center, family child care home and school-aged child care  
37 program shall adopt and implement a policy regarding interactions with law enforcement agents

38 engaged in civil law enforcement which shall include, at a minimum, but not be limited to: (i) the  
39 designation of a contact person or persons to be notified of the presence of, or information  
40 requests from, law enforcement agents engaged in civil law enforcement; (ii) procedures for  
41 documenting all interactions with law enforcement agents engaged in civil law enforcement; and  
42 (iii) procedures for informing the director and program staff of the licensed child care center, the  
43 provider and staff of a family child care home or the site coordinator or school age administrator  
44 and staff of a school-aged child care program to follow when responding to requests relating to  
45 civil law enforcement.

46 (d) The department, in consultation with the attorney general and organizations that  
47 represent employees and management of licensed child care providers, shall prepare and publish  
48 on its website model policies consistent with the requirements of this section. The department  
49 shall, in consultation with the attorney general, also prepare and publish a model training for  
50 informing directors and program staff of licensed child care centers, family child care home  
51 providers and staff and school-aged child care program site coordinators and school age  
52 administrators and staff on how to respond to requests relating to civil law enforcement.

53 (e) The requirements of subsections (b) and (c) shall apply regardless of whether a  
54 licensed child care center, family child care home or school-aged child care program has adopted  
55 the policy required by subsection (c).

56 (f) An individual aggrieved by a violation of this section may apply for a writ of habeas  
57 corpus if such person has reasonable cause to believe that a civil arrest in violation of this section  
58 has occurred. The attorney general shall be permitted to bring a suit in law or equity for civil  
59 arrests in violation of this section.

60 (g) Nothing in this section shall require a state or local law enforcement officer to  
61 interfere with or assist the actions of a federal official engaged in civil immigration enforcement.  
62 Nothing in this section shall confer upon any state or local law enforcement officer the authority,  
63 obligation or responsibility to enforce, interpret, supervise, assess compliance with or prevent  
64 conduct governed by this section.

65 SECTION 3. Chapter 33 of the General Laws is hereby amended by adding the following  
66 section:-

67 Section 140. No military force from another state, territory or district is permitted  
68 to enter the commonwealth for the purpose of doing military duty therein, without the permission  
69 of the governor, unless such force has been called into active service of the United States and is  
70 acting under lawful authority of the president of the United States. The national guard, with the  
71 approval of the governor, shall issue guidance implementing this section.

72 SECTION 4. Chapter 54 of the General Laws is hereby amended by adding the following  
73 section:-

74 Section 65. A violation of 18 U.S.C. § 592, 18 U.S.C. § 593 and 18 U.S.C. § 595 shall be  
75 a civil violation of state law. The attorney general shall have exclusive authority to enforce this  
76 section by bringing a civil action for declaratory, injunctive or other appropriate equitable relief  
77 to compel compliance or prevent violations.

78 SECTION 5. Chapter 71 of the General Laws is hereby amended by adding the following  
79 section:-

80           Section 102. (a) For the purposes of this section, the following words shall have the  
81 following meanings, unless the context clearly requires otherwise:

82           “Charter school”, commonwealth charter schools and Horace Mann charter schools  
83 established pursuant to section 89.

84           “Civil law enforcement”, efforts to investigate, enforce or assist in the investigation or  
85 enforcement of any civil law, including but not limited to federal civil immigration law.

86           “Collaborative school”, a school operated by an educational collaborative established  
87 pursuant to section 4E of chapter 40.

88           “Department”, the department of elementary and secondary education.

89           ”Judicial warrant or judicial order”, an arrest warrant or other judicial order, signed by a  
90 judge or magistrate sitting in the judicial branch of a local or state government or of the federal  
91 government, authorizing an arrest.

92           “School”, a school administered by a school department of a city or town or regional  
93 school district, a county agricultural school, an independent vocational school or a vocational  
94 school operated by a county, a commonwealth charter school or Horace Mann charter school  
95 established pursuant to section 89, or an educational collaborative established pursuant to section  
96 4E of chapter 40.

97           “Grounds”, any building or property owned or controlled by a school or school district  
98 within the same reasonably proximate geographic area of the school and used by the school in  
99 direct support of or in a manner related to the school’s educational or athletic purposes.

100 “School district”, the school department of a city or town, a regional school district, an  
101 independent vocational school, or a vocational school or agricultural school operated by a  
102 county.

103 (b) Except as required by state or federal law or as required for the commonwealth or any  
104 of its subdivisions to administer a state or federally supported or funded program, arrests for civil  
105 law enforcement shall not be permitted on school grounds without a valid judicial warrant or  
106 judicial order.

107 (c) The department, in consultation with the attorney general, organizations representing  
108 school employees and managers, the Massachusetts association of school committees, and other  
109 appropriate stakeholders, shall publish guidance and model policies relating to interaction with  
110 law enforcement agents engaged in civil law enforcement, including but not limited to federal  
111 immigration authority, to the fullest extent possible consistent with state and federal law,  
112 ensuring that schools remain safe and accessible for all Massachusetts’ residents. The guidance  
113 and model policies shall include procedures, which shall include, but not be limited to, the  
114 following: (i) identifying a designated authorized person or persons at each school and the  
115 district superintendent’s office or school administrative office to serve as the individuals  
116 responsible for having primary contact with the law enforcement agents; (ii) procedures for  
117 contacting a designated authorized person at the school and the district superintendent's office or  
118 school administrative office, who will contact the school's legal counsel; (iii) procedures for  
119 documenting all interactions with law enforcement agents while on the school's premises; (iv)  
120 procedures for notifying a student's parents or guardian or from the student if the student is 18  
121 years or older or emancipated if a law enforcement agent requests access to a student or student’s  
122 information for any civil law enforcement purpose; (v) procedures following the confirmation of

123 law enforcement agents engaged in civil law enforcement on school sites which shall include,  
124 but not be limited to, procedures to notify students' parents and guardians, teachers,  
125 administrators, and school personnel when the school confirms the presence of law enforcement  
126 agents engaged in civil law enforcement on the school site in a manner that ensures the  
127 confidentiality and privacy of any potentially identifying information; (vi) a plan to confirm and  
128 update students' emergency contacts and allow for more than one person to be listed; and (vii) a  
129 plan to share these procedures and policies with students and families including through the use  
130 of the school district website.

131 (d) The department, in consultation with the attorney general, organizations representing  
132 school employees and managers, the Massachusetts association of school committees, shall  
133 develop a model training reviewing the components of this section that school committees,  
134 collaborative schools and commonwealth charter school board of trustees may provide to school  
135 employees, managers, and other staff.

136 (e) Each school committee, collaborative school and commonwealth charter school board  
137 of trustees shall ensure that every school under its jurisdiction has a written emergency response  
138 plan that addresses student safety relating to interaction with law enforcement agents engaged in  
139 civil law enforcement, including but not limited to federal immigration authority. The emergency  
140 response plan shall be developed pursuant to the model policies established in this section.

141 (f) The requirements of subsection (b) shall apply regardless of whether a school district,  
142 charter school, or collaborative school has adopted the policy required by subsection (c).

143 (g) An individual aggrieved by a violation of this section may apply for a writ of habeas  
144 corpus if such person has reasonable cause to believe that a civil arrest in violation of this section

145 has occurred. The attorney general shall be permitted to bring a suit in law or equity for civil  
146 arrests in violation of this section.

147 (h) Nothing in this section shall require a state or local law enforcement officer to  
148 interfere with or assist the actions of a federal official engaged in civil immigration enforcement.  
149 Nothing in this section shall confer upon any state or local law enforcement officer the authority,  
150 obligation or responsibility to enforce, interpret, supervise, assess compliance with or prevent  
151 conduct governed by this section.

152 SECTION 6. Chapter 111 of the General Laws is hereby amended by adding the  
153 following section:-

154 Section 249. (a) For the purposes of this section, the following words shall have the  
155 following meanings, unless the context clearly requires otherwise:

156 “Civil law enforcement”, an effort to investigate, enforce or assist in the investigation or  
157 enforcement of civil law, including but not limited to a federal civil immigration law; provided,  
158 however, that “civil immigration enforcement” shall not include efforts to provide or assist in  
159 providing medical care to a patient or detainee who is in the custody of an agency primarily  
160 charged with civil law enforcement.

161 “Covered health care provider”, a hospital, community health center, clinic, convalescent  
162 or nursing home, rest home, charitable home for the aged, emergency medical service, adult day  
163 health centers or substance use disorder treatment program licensed by the by the department or  
164 a public hospital operated by the department or by the department of mental health pursuant to  
165 chapter 19.

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

169 (b) Except as required by state or federal law or as required for the commonwealth or any  
170 of its subdivisions to administer a state or federally supported or funded program, an arrest for  
171 civil law enforcement shall not be permitted in an area designated by a covered health care  
172 providers as a nonpublic area without judicial warrant or judicial order.

173 (c) Each covered health care provider shall adopt and implement a policy appropriate to  
174 the clinical setting regarding interactions with law enforcement agents involved in civil law  
175 enforcement which shall include, but not be limited to: (i) the designation of a contact person or  
176 persons to be notified of the presence of, or information requests from, law enforcement agents  
177 engaged in civil law enforcement; (ii) the designation of nonpublic areas where patients receive  
178 treatment or care, where patients discuss protected health information, or that are not otherwise  
179 open to the public; and (iii) procedures for informing staff and volunteers on how to respond to  
180 requests relating to civil law enforcement.

181 (d) The department of public health and the department of mental health, in consultation  
182 with the attorney general and organizations representing staff at the health care facilities, shall  
183 prepare and publish on its website a model policies consistent with the requirements of this  
184 section.

185 (e) Nothing in this section shall limit or interfere with the ability of a covered health care  
186 provider to provide medical care to a patient or detainee in the custody of an agency primarily  
187 charged with civil law enforcement; provided, however, that covered health care providers and

188 their medical staff shall have the exclusive authority to recommend treatment options to and  
189 medically treat such patients and detainees.

190 (f) An individual aggrieved by a violation of this section may apply for a writ of habeas  
191 corpus if such person has reasonable cause to believe that a civil arrest in violation of this section  
192 has occurred. The attorney general shall be permitted to bring a suit in law or equity for civil  
193 arrests in violation of this section.

194 (g) Nothing in this section shall to require a state or local law enforcement officer to  
195 interfere with or assist the actions of a federal official engaged in civil immigration enforcement.  
196 Nothing in this section shall confer upon any state or local law enforcement officer the authority,  
197 obligation or responsibility to enforce, interpret, supervise, assess compliance with or prevent  
198 conduct governed by this section.

199 SECTION 7. Chapter 147 of the General Laws is hereby amended by adding the  
200 following section:-

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

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

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

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

212 “Immigration detainer”, a request to a law enforcement agency to maintain custody of an  
213 individual for immigration enforcement purposes, including detainers issued under 8 U.S.C. §§  
214 1226 or 1357 or 8 C.F.R. §§ 236.1 or 287.7; provided, however, that “immigration detainer”  
215 shall include, but not be limited to, form I-247A titled “Immigration Detainer – Notice of  
216 Action” and any predecessor or successor form.

217 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement  
218 agency, including, but not limited to, a city, town or district police department, the office of  
219 environmental law enforcement, the University of Massachusetts police department, the  
220 department of the state police, the Massachusetts Port Authority police department, also known  
221 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation  
222 Authority police department; (ii) a sheriff’s department; (iii) a public or private college,  
223 university or other educational institution or hospital police department; or (iv) a humane society  
224 police department under section 57 of chapter 22C..

225 “Law enforcement officer” or “officer”, (i) an officer or employee of an agency,  
226 including the head of the agency; (ii) a special state police officer appointed pursuant to section  
227 57, section 58 or section 63 of chapter 22C; (iii) a special sheriff appointed pursuant to section 4  
228 of chapter 37; (iv) a deputy sheriff appointed pursuant to section 3 of said chapter 37; (v) a  
229 constable executing an arrest for any reason; or (vi) any other special, reserve or intermittent  
230 police officer.

231 “Nonpublic personal information”, information not otherwise available to the public that  
232 is maintained by a law enforcement agency or court.

233 (b) Except as required by federal or state law, or pursuant to a judicial warrant, court  
234 order or treaty, no law enforcement officer or employee of a law enforcement agency, the trial  
235 court, the appeals court or the supreme judicial court, while acting under color of law, shall:

236 (i) inquire about the immigration or citizenship status of any person;

237 (ii) record or maintain immigration or citizenship status information;

238 (iii) except as allowed by an agreement authorized under subsection (c) or other valid  
239 intergovernmental service agreement allowed under state law, or to provide information allowed  
240 under clause (viii), use, or allow the use of, state or local resources for, or conduct or participate  
241 in, federal civil immigration enforcement;

242 (iv) stop, arrest, search, seize or detain an individual based on their actual or perceived  
243 citizenship or immigration status;

244 (v) investigate, question or interrogate an individual for the purpose of federal civil  
245 immigration enforcement;

246 (vi) detain or continue to detain an individual based solely on an immigration detainer  
247 past the time the individual would otherwise be eligible for release from custody; or

248 (vii) except as allowed by an agreement authorized under subsection (c) or other valid  
249 intergovernmental service agreement allowed under state law, transport an individual into an  
250 immigration agent’s custody unless pursuant to a valid judicial warrant or court order; or

251 (viii) knowingly provide a federal immigration authority nonpublic personal information  
252 or advance notice of a person's release, custody status or upcoming court appearance except  
253 upon receipt within the last 30 days of a written request for such information and that identifies a  
254 specific, named individual; provided, however, that such information may only be provided to a  
255 federal immigration authority by a law enforcement officer when authorized in writing; provided  
256 further, that such written authorization shall be made by an on-duty officer in charge, unless it  
257 would be impracticable for such on-duty officer in charge to do so, in which case the provision  
258 of such information shall be documented in writing by the law enforcement officer.

259 (c) No law enforcement agency or political subdivision of the commonwealth shall  
260 execute, renew or materially expand a memorandum of agreement pursuant to 8 U.S.C. §  
261 1357(g) or any substantially similar agreement or arrangement that deputizes state or local law  
262 enforcement officers or personnel to perform civil immigration enforcement functions; provided,  
263 however, that the department of correction may maintain the memorandum of agreement  
264 pursuant to 8 U.S.C. § 1357(g) in effect as of June 8, 2020; provided further, that the department  
265 of correction shall apply to the executive office of public safety and security to enter into, renew  
266 or materially expand a memorandum of agreement pursuant to 8 U.S.C. § 1357(g) or any  
267 substantially similar agreement or arrangement that deputizes state or local law enforcement  
268 officers or personnel to perform civil immigration enforcement functions or to execute any new  
269 agreements; provided further, that any payments made by the federal government to reimburse  
270 the department of correction for costs associated with executing responsibilities under an  
271 agreement described in this paragraph shall be transferred to and distributed by the office for  
272 refugees and immigrants to designated non-profit organizations to increase access to legal  
273 representation for immigrants and refugees in the commonwealth.

274 (d) Nothing in this section shall be construed to restrict or limit the ability of a law  
275 enforcement agency or officer or employee of such an agency, the trial court, the appeals court or  
276 the supreme judicial court, acting under color of law to:

277 (i) investigate and enforce criminal law, provided that the law enforcement agency or  
278 officer does not take such actions for the purpose of conducting or participating in federal civil  
279 immigration enforcement, including, but not limited to: (A) requesting or receiving personally  
280 identifying information during a lawful criminal investigation, arrest or booking process; (B)  
281 sending fingerprints to the state police state identification section or other criminal justice  
282 information systems operated by the commonwealth, a political subdivision of the  
283 commonwealth or the federal bureau of investigation; (C) communicating with state, local and  
284 federal authorities for purposes of conducting coordinated criminal investigations unrelated to  
285 federal civil immigration enforcement; (D) transferring an individual to another law enforcement  
286 agency for the purpose of enforcing criminal law unrelated to federal civil immigration  
287 enforcement; (E) contacting federal immigration authorities to request that an individual be  
288 returned to state or local custody for the purpose of bringing a criminal prosecution against the  
289 individual or to be a witness in a criminal prosecution or grand jury; or (F) requesting  
290 information regarding citizenship or immigration status when the officer has an articulable, case-  
291 specific reason to believe the person's citizenship or immigration status is directly material to a  
292 specific criminal offense under sections 50 to 52, inclusive, of chapter 265 or to a felony in the  
293 commonwealth for which such information is required to establish an element of the offense;

294 (ii) comply with a valid judicial warrant or court order;

295 (iii) use de-escalation tactics as defined in section 1 of chapter 6E and maintain peace in  
296 public spaces;

297 (iv) make inquiries necessary to certify an individual who has been identified as a  
298 potential crime or trafficking victim for a T or U Visa pursuant to 8 U.S.C. § 1101(a)(15)(T) or  
299 1101(a)(15)(U);

300 (v) notify an individual in the law enforcement agency's custody about that individual's  
301 right to communicate with consular officers, make inquiries regarding an individual's nationality  
302 or citizenship necessary to notify consulates that require notification when an individual is  
303 arrested, and notify said consulates, in accordance with international law;

304 (vi) request evidence of citizenship or immigration status to process an application for or  
305 renewal of any firearm license, card, or permit pursuant to section 121F of chapter 140 or 18  
306 U.S.C. §§ 921-931;

307 (vii) send to or receive from the federal government an individual's citizenship or  
308 immigration status as required by 8 U.S.C. §§ 1373 and 1644;

309 (viii) enter into or fulfill an inter-governmental services agreement with a federal agency  
310 to provide detention services for persons in federal custody; or

311 (ix) comply with the requirements of any other applicable federal, state or local law.

312 (e)(1) The attorney general shall issue guidance providing for a process to submit  
313 complaints for violations of this section and may enforce this section by a civil action brought in  
314 the superior court for declaratory, injunctive and other equitable relief to compel compliance or  
315 prevent violations.

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

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

322 SECTION 8. Section 19C of chapter 149 of the General Laws, as appearing in the 2024  
323 Official Edition, is hereby amended by inserting after the second paragraph the following  
324 paragraph:-

325 Except as required by federal law, not later than 48 hours after receiving a notice of  
326 inspection by United States Immigration and Customs Enforcement for the production of I-9  
327 employment eligibility verification forms or other employment records, an employer shall  
328 provide written notice to each employee of any such request.

329 SECTION 9. Subsection (d) of section 5-202 of chapter 190B of the General Laws, as  
330 appearing, is hereby amended by inserting after the word “death”, in line 21, the following  
331 words:- an adverse immigration action against the parent or guardian.

332 SECTION 10. Said subsection (d) of said section 5-202 of said chapter 190B, as so  
333 appearing, is hereby further amended by adding the following sentence:- For purposes of this  
334 section, “adverse immigration action” shall mean (i) detention or custody by the United States  
335 Department of Homeland Security or any other agency authorized or acting on behalf of the  
336 United States Department of Homeland Security on the basis of an alleged violation of federal  
337 immigration law; (ii) departure from the United States under an order of removal, deportation,

338 exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary departure or  
339 (iii) denial of admission or entry into the United States by the Department of Homeland Security.

340 SECTION 11. Subsection (f) of said section 5-202 of said chapter 190B, as so appearing,  
341 is hereby amended by striking out the second sentence and inserting in place thereof the  
342 following sentence:- If both parents are dead, have been adjudged incapacitated persons or are  
343 subject to an adverse immigration action, as defined under subsection (d), an appointment by the  
344 last parent to die, was adjudged incapacitated or was subject to an adverse immigration action  
345 shall have priority.

346 SECTION 12. The General Laws are hereby further amended by inserting after chapter  
347 221C the following chapter:-

348 Chapter 221D

349 CIVIL ARRESTS IN COURTS

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

352 “Civil arrest”, an arrest that is not: (i) for the purpose of preparing the person subject to  
353 such arrest for criminal prosecution for an alleged violation of the criminal law of: (A) the  
354 commonwealth or another jurisdiction within the United States, for which a sentence of a term of  
355 imprisonment is authorized by law; or (B) the United States, for which a sentence of a term of  
356 imprisonment is authorized by law and for which federal law requires an initial appearance  
357 before a federal judge, federal magistrate or other judicial officer pursuant to the federal rules of  
358 criminal procedure that govern initial appearances; (ii) for contempt of court; (iii) for a *capias*

359 issued by a judge of the commonwealth; (iv) for a parole warrant issued under section 149A of  
360 chapter 127 or a probation warrant issued under section 3 of chapter 279; (v) for a governor’s  
361 warrant of arrest issued under section 16 of chapter 276; or (vi) related to an application for  
362 commitment under section 12 of chapter 123.

363 “Courthouse”, the interior of any facility in which a court of the commonwealth conducts  
364 business.

365 “Judicial warrant” or “judicial order”, an arrest warrant or other judicial order, signed by  
366 a judge or magistrate sitting in the judicial branch of a local or state government or of the federal  
367 government, authorizing a civil arrest.

368 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement  
369 agency, including, but not limited to: a city, town or district police department, the office of  
370 environmental law enforcement, the University of Massachusetts police department, the  
371 department of the state police, the Massachusetts Port Authority police department, also known  
372 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation  
373 Authority police department; (ii) a sheriff’s department in its performance of police duties and  
374 functions; (iii) a public or private college, university or other educational institution or hospital  
375 police department; (iv) a federal law enforcement agency; or (v) a humane society police  
376 department in section 57 of chapter 22C.

377 “Law enforcement officer”, (i) an officer of a law enforcement agency, including the  
378 head of the agency; (ii) a special state police officer appointed pursuant to section 57, section 58  
379 or section 63 of chapter 22C; (iii) a special sheriff appointed pursuant to section 4 of chapter 37  
380 performing police duties and functions; (iv) a deputy sheriff appointed pursuant to section 3 of

381 said chapter 37 performing police duties and functions; (v) a constable executing an arrest for  
382 any reason; or (vi) any other special, reserve or intermittent police officer.

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

390 (b) A civil arrest shall not be made by a law enforcement officer or other representative  
391 of a law enforcement agency in a courtroom.

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

394 (b) Annually, not later than July 1, the trial court shall prepare, publish on the court's  
395 website and provide to the governor, the speaker of the house of representatives, the president of  
396 the senate, the clerks of the house and senate, the chairs of the joint committee on public safety  
397 and homeland security and the chairs of the joint committee on the judiciary a report containing  
398 information on the judicial warrants and judicial orders received by each local and state court of  
399 the commonwealth pursuant to this chapter in the past year. The report shall include, but shall  
400 not be limited to: (i) the date each judicial warrant or judicial order was signed; (ii) the name of  
401 the judge who issued the judicial warrant or judicial order; (iii) the name and location of the  
402 court that issued the judicial warrant or judicial order, as shown by such judicial warrant or

403 judicial order; (iv) the date the judicial warrant or judicial order was presented to the court; (v) a  
404 description of the type of judicial warrant or judicial order; and (vi) if known, whether or not an  
405 arrest occurred with respect to such judicial warrant or judicial order and the date and location of  
406 such arrest.

407           Section 4. An arrest or detention in violation of this chapter shall constitute false  
408 imprisonment as defined in section 3 of chapter 263; provided, however, that nothing in this  
409 chapter shall affect any right or defense available to a person, law enforcement officer, public  
410 officer or court employee acting lawfully and in accordance with duties pursuant to section 70A  
411 of chapter 221.

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

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

419           (b) Nothing in this chapter shall be construed to create a private right of action; provided,  
420 however, that nothing herein shall limit any remedy otherwise available under the laws of the  
421 commonwealth or the United States; and provided further, that an individual may apply for a writ  
422 of habeas corpus if the individual has reasonable cause to believe a violation of this chapter has  
423 occurred.

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

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

430 Section 8. Nothing in this chapter shall require any person, including any law  
431 enforcement officer, court employee or court officer, to interfere with or assist the actions of a  
432 federal official engaged in civil immigration enforcement. Nothing in this chapter shall confer  
433 upon any law enforcement officer the authority, obligation or responsibility to enforce, interpret,  
434 supervise, assess compliance with or prevent conduct governed by this chapter.

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

438 SECTION 13. Chapter 233 of the General Laws is hereby amended by inserting after  
439 section 20B the following section:-

440 Section 20B1/2. (a) For purposes of this section, the following words shall have the  
441 following meanings, unless the context clearly requires otherwise:

442 "Civil arrest", an arrest that is not for the sole or primary purpose of preparing the person  
443 subject to such arrest for criminal prosecution, for an alleged violation of the criminal law of: (A)  
444 the commonwealth or another jurisdiction within the United States, for which a sentence of a

445 term of imprisonment is authorized by law; or (B) the United States, for which a sentence of a  
446 term of imprisonment is authorized by law, and for which federal law requires an initial  
447 appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the  
448 federal rules of criminal procedure that govern initial appearances.

449 “Place of worship”, a church, synagogue, mosque, chapel or other institution of worship,  
450 including, but not limited to, a building rented or used for a religious service during such  
451 services.

452 “Religious service”, means a meeting, gathering or assembly of two or more persons  
453 organized by a religious organization for the purpose of worship, teaching, training, providing  
454 educational or instructional services or conducting religious rituals, including, but not limited to,  
455 weddings and funerals.

456 (b) A person shall be privileged from civil arrest in any place of worship during a  
457 religious service.

458 (c) An individual aggrieved by a violation of this section may apply for a writ of habeas  
459 corpus if such person has reasonable cause to believe that a civil arrest in violation of this section  
460 has occurred. The attorney general shall be permitted to bring a suit in law or equity for civil  
461 arrests in violation of this section.

462 (d) Nothing in this section shall require a state or local law enforcement officer to  
463 interfere with or assist the actions of a federal official engaged in civil immigration enforcement.  
464 Nothing in this section shall confer upon any state or local law enforcement officer the authority,  
465 obligation or responsibility to enforce, interpret, supervise, assess compliance with or prevent  
466 conduct governed by this section.

467 SECTION 14. Section 9 of chapter 258 of the General Laws, as appearing in the 2024  
468 Official Edition, is hereby amended by striking out the first paragraph and inserting in place  
469 thereof the following paragraph:-

470 Public employers may indemnify public employees, and the commonwealth shall  
471 indemnify persons holding office under the constitution, from personal financial loss, all  
472 damages and expenses, including legal fees and costs, if any, in an amount not to exceed  
473 \$1,000,000 arising out of any claim, action, award, compromise, settlement or judgment by  
474 reason of an intentional tort, or by reason of any act or omission that constitutes a violation of the  
475 civil rights of any person under any federal or state law, if such employee or official or holder of  
476 office under the constitution at the time of such intentional tort or such act or omission was  
477 acting within the scope of their official duties or employment; provided however, that with  
478 approval of the public employer, the attorney general, and the secretary of administration and  
479 finance, indemnification under this section may exceed \$1,000,000 solely for loss, damages, or  
480 expenses, including legal fees and costs, if any, arising directly from an investigation, inquiry, or  
481 claim initiated by the federal government concerning acts or omissions within the scope of  
482 official duties or employment of such employee or official. No such employee or official, other  
483 than a person holding office under the constitution acting within the scope of their official duties  
484 or employment, shall be indemnified under this section for the violation of any such civil rights  
485 or with respect to any federal investigation or inquiry if they acted in a grossly negligent, willful  
486 or malicious manner.

487 SECTION 15. The General Laws are hereby further amended by striking out chapter  
488 258F and inserting in place thereof the following chapter:-

489 Chapter 258F

490 CERTIFICATION FOR VICTIMS OF CRIMINAL ACTIVITY AND HUMAN  
491 TRAFFICKING

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

494 “Certifying entity”, a law enforcement agency, prosecutor or other state or local entity  
495 that has the authority to detect, investigate or prosecute severe forms of trafficking in persons or  
496 criminal activity or any other state or local agency designated by regulation of the secretary of  
497 public safety and security in consultation with the attorney general.

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

501 “Qualifying criminal activity”, (i) criminal activity described in 8 U.S.C. §  
502 1101(a)(15)(U)(iii) and severe forms of trafficking in persons described in 8 U.S.C. §  
503 1101(a)(15)(T); and (ii) any offense under the laws of the commonwealth or a political  
504 subdivision thereof that is substantially similar.

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

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

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

526         Section 4. (a) A certifying entity shall respond to a certification request from a victim of  
527 qualifying criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. §  
528 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition  
529 for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(T) not later than 60 days after receiving  
530 such request.

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

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

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

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

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

558           (b) Annually, each certifying entity shall report to the secretary of public safety and  
559 security aggregate data sufficient to evaluate compliance with this section, including certification  
560 request volume, response times, approvals, denials and reasons for denial, in a manner that  
561 protects confidentiality.

562           Section 7. The attorney general may file a complaint against a certifying entity for  
563 declaratory, injunctive and other equitable relief to compel compliance or prevent violations of  
564 this chapter.

565           Section 8. Notwithstanding subsection (b) of section 64 of chapter 147, a law  
566 enforcement agency may inquire into the immigration or citizenship status of a victim of a crime,  
567 witness or person seeking assistance, in accordance with this chapter.

568           SECTION 16. Notwithstanding any general or special law to the contrary, each licensed  
569 child care center, family child care home and school-aged child care program shall adopt a  
570 policy, as required by subsection (c) of section 23 of chapter 15D of the General Laws, as  
571 inserted by section 2, to be in effect not later than September 1, 2026 or the first day of the 2026-  
572 2027 school year, whichever is earlier.

573           SECTION 17. Notwithstanding any general or special law to the contrary, each school  
574 district, charter school and collaborative school shall adopt the policy, as required by subsection

575 (c) of section 102 of chapter 71 of the General Laws, as inserted by section 5, to be in effect not  
576 later than September 1, 2026 or the first day of the 2026-2027 school year, whichever is earlier.

577 SECTION 18. The department of public health and the department of mental health, in  
578 consultation with the attorney general, shall issue the model policy pursuant to subsection (d) of  
579 section 249 of chapter 111 of the General Laws, as inserted by section 6, not more than 30 days  
580 after the effective date of this act.

581 SECTION 19. Covered health care providers shall adopt a provider-specific policy, as  
582 required by subsection (c) of section 249 of chapter 111 of the General Laws, as inserted by  
583 section 6, not more than 60 days after the effective date of this act.

584 SECTION 20. Section 7 shall take effect 180 days after the effective date of this act.

585 SECTION 21. Sections 12 and 15 shall take effect 90 days after the effective date of this  
586 act.