

The Commonwealth of Massachusetts

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

1 by striking all after the enacting clause and inserting in place thereof the following:-

2 "SECTION 1. Chapter 6 of the General Laws is hereby amended by adding the following  
3 3 sections:-

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

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

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

11 "Law enforcement agency", (i) a state, county, municipal or district law enforcement  
12 agency, including, but not limited to: (a) a city, town or district police department; (b) the office  
13 of environmental law enforcement; (c) the University of Massachusetts police department; (d)  
14 the department of the state police; (e) the Massachusetts Port Authority police department, also  
15 known as the Port of Boston Authority police department; and (f) the Massachusetts Bay

16 Transportation Authority police department; (ii) a sheriff's department in its performance of  
17 police duties and functions; (iii) a public or private college, university or other educational  
18 institution or hospital police department; (iv) a federal law enforcement agency; or (v) a humane  
19 society police department in section 57 of chapter 22C.

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

26 "Person", a resident of, or visitor to, the commonwealth regardless of immigration status.

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

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

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

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

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

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

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

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

53           (iii) verifying the validity of any judicial warrant or judicial order provided or valid  
54 immigration detainers under 8 C.F.R. § 287.7, 8 U.S.C. § 1103(a)(3), 8 U.S.C. § 1226, and 8  
55 U.S.C. § 1357

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

58 (v) informing all persons how to respond to requests relating to civil immigration  
59 enforcement.

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

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

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

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

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

74 (d) The governor, in consultation with the attorney general, shall publish multilingual  
75 guidelines for all school districts, as defined in section 2 of chapter 70, on how to handle

76 interactions with law enforcement officers regarding civil immigration enforcement. The  
77 multilingual guidelines shall include, but shall not be limited to, guidance on:

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

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

82 (iii) verifying the validity of any judicial warrant or judicial order, or valid immigration  
83 detainers under 8 C.F.R. § 287.7, 8 U.S.C. § 1103(a)(3), 8 U.S.C. § 1226, and 8 U.S.C. § 1357

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

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

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

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

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

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

96 “Competent interpreter services”, as defined in subsection (a) of section 25J of chapter  
97 111.

98 “County correctional facility”, as defined in section 1 of chapter 125.

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

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

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

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

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

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

116 (e)(1) Each facility shall maintain a record identifying each individual detained in the  
117 facility that shall include, but shall not be limited to: (i) confirmation of custody of the detained  
118 individual in the facility; (ii) contact-routing information sufficient for legal counsel and a person  
119 designated by the detained individual pursuant to clause (ii) of paragraph (2) to maintain contact  
120 with the detained individual; and (iii) a facility procedure for legal communications and general  
121 inquiries. The record shall be updated not later than 6 hours after intake into the facility and not  
122 later than 6 hours after any transfer out of the facility.

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

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

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

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

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

138 (i)(1) Each facility shall provide a public phone number for a caller to obtain  
139 confirmation of whether an individual is detained at a facility and shall provide information on  
140 how a caller may obtain contact instructions; provided, that the facility may require the caller to  
141 provide the individual's full name, date of birth and additional identifying information, as  
142 necessary, to resolve multiple matches.

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

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

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

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

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

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

156 (2) In an action brought under this section, the court may issue emergency, long-term and  
157 permanent orders, including, but not limited to: (i) an order requiring immediate compliance with

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

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

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

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

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

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

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

175 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement  
176 agency, including, but not limited to, a city, town or district police department, the office of  
177 environmental law enforcement, the University of Massachusetts police department, the  
178 department of the state police, the Massachusetts Port Authority police department, also known

179 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation  
180 Authority police department; (ii) a sheriff’s department; (iii) a public or private college,  
181 university or other educational institution or hospital police department; or (iv) a humane society  
182 police department in section 57 of chapter 22C.

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

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

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

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

195 (i) except as required by federal or state law, or pursuant to a judicial warrant, court order  
196 or treaty, or valid immigration detainer under 8 C.F.R. § 287.7, 8 U.S.C. § 1103(a)(3), 8 U.S.C. §  
197 1226, and 8 U.S.C. § 1357 inquire about the immigration or citizenship status of any person;  
198 provided, however, that a law enforcement officer may make such inquiry only when the officer  
199 has an articulable, case-specific reason to believe the person’s immigration or citizenship status  
200 is directly material to an element of a specific criminal offense under the laws of the

201 commonwealth being investigated and the officer documents that reason in the incident report or  
202 case file;

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

205 (iii) except as required by federal or state law, or pursuant to a judicial warrant, court  
206 order or treaty, or valid immigration detainers under 8 C.F.R. § 287.7, 8 U.S.C. § 1103(a)(3), 8  
207 U.S.C. § 1226, and 8 U.S.C. § 1357, use state or local resources for a federal civil immigration  
208 enforcement action; or

209 (iv) except as required by federal or state law, or pursuant to a judicial warrant, court  
210 order or treaty, or valid immigration detainer under 8 C.F.R. § 287.7, 8 U.S.C. § 1103(a)(3), 8  
211 U.S.C. § 1226, and 8 U.S.C. § 1357, initiate contact with any federal authority to: (A) provide  
212 nonpublic personal information to a federal immigration authority; or (B) provide advance notice  
213 of the release date of a person, including, but not limited to, a person convicted pursuant to  
214 chapter 265, except for sections 9, 10, 11, 12, 30, 32, 34, 35, 36, 40, and 42 of chapter 265;  
215 provided, however, that the release date of a person's completed sentence, including, but not  
216 limited to, a sentence for a conviction pursuant to chapter 265, except for sections 9, 10, 11, 12,  
217 30, 32, 34, 35, 36, 40, and 42 of chapter 265, may be provided.

218 (c)(1) No law enforcement agency or political subdivision of the commonwealth shall  
219 execute, renew or materially expand a memorandum of agreement under section 287(g) of the  
220 federal Immigration and Nationality Act or any substantially similar agreement or arrangement  
221 that deputizes state or local law enforcement officers or personnel to perform civil immigration  
222 enforcement functions; provided, however, that the department of correction may maintain the

223 memorandum of agreement under section 287(g) of the federal Immigration and Nationality Act  
224 8 U.S.C. § 1357 in effect as of June 8, 2020; and provided further, that the department of  
225 correction shall apply to the executive office of public safety and security to renew or materially  
226 expand a memorandum of agreement under section 287(g) of the federal Immigration and  
227 Nationality Act 8 U.S.C. § 1357 or any substantially similar agreement or arrangement that  
228 deputizes state or local law enforcement officers or personnel to perform civil immigration  
229 enforcement functions or to execute any new agreements.

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

245 law enforcement agency shall file quarterly public reports, available on the law enforcement  
246 agency's website, describing implementation, excluding personally identifying information.

247 (d) Nothing in this section shall be construed to: (i) prohibit or restrict sending to, or  
248 receiving from, federal immigration authorities information regarding an individual's citizenship  
249 or immigration status as described in 8 U.S.C. § 1373 or 8 U.S.C. § 1644; or (ii) limit  
250 cooperation with federal authorities in the investigation or prosecution of criminal offenses,  
251 including compliance with judicial warrants, subpoenas or court orders, or valid immigration  
252 detainers under 8 C.F.R. § 287.7, 8 U.S.C. § 1103(a)(3), 8 U.S.C. § 1226, and 8 U.S.C. § 1357

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

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

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

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

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

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

271 Chapter 258F

272 CERTIFICATION FOR VICTIMS OF CRIMINAL ACTIVITY AND HUMAN  
273 TRAFFICKING

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

276 “Certifying entity”, any law enforcement agency, any district attorney and the attorney  
277 general.

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

281 “Qualifying criminal activity”, (i) criminal activity described in 8 U.S.C. §  
282 1101(a)(15)(U)(iii) and severe forms of trafficking in persons described in 8 U.S.C. §  
283 1101(a)(15)(T); and (ii) any offense under the laws of the commonwealth or a political  
284 subdivision thereof that is substantially similar.

285           Section 2. A certifying entity may certify a request of a victim of qualifying criminal  
286 activity who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(U) or from  
287 a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa  
288 under 8 U.S.C. § 1101(a)(15)(T), pursuant to this chapter. For purposes of determining whether a  
289 person is a victim of qualifying criminal activity for certification, a certifying entity shall not  
290 require the filing of criminal charges or a conviction. For purposes of certification decisions  
291 under this chapter, allegations of wage theft, workplace safety violations, housing violations or  
292 labor exploitation accompanied by threats of deportation, intimidation or retaliation may  
293 constitute qualifying criminal activity where the alleged conduct is reasonably consistent with  
294 extortion, coercion, involuntary servitude, peonage, obstruction of justice, witness intimidation  
295 or other substantially similar offenses under state or federal law.

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

306           Section 4. (a) Not later than 45 days after receiving the request, a certifying entity shall  
307 respond to a certification request from a victim of qualifying criminal activity who intends to

308 petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(U) or from a victim of severe  
309 forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. §  
310 1101(a)(15)(T).

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

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

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

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

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

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

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

344 SECTION 6. Chapter 276 of the General Laws is hereby amended by inserting after  
345 section 20R the following section:-

346 Section 20S. (a) Any employee of the Commonwealth considered a court officer pursuant  
347 to Chapter 221 Sections 69A, 70A, 71A of the General Laws, who has lawful custody of a  
348 person may, upon the direction of a judicial officer, and upon receipt of (1) a written request  
349 from United States Immigration and Customs Enforcement requesting detention of such person  
350 on the grounds that there is probable cause that such person is a removable alien and (2) an  
351 administrative warrant for arrest or warrant of removal/deportation, detain such person for a

352 reasonable period of time after such person would otherwise be released from custody in order to  
353 transfer custody of such person to United States Immigration and Customs Enforcement,  
354 provided that the judicial officer has determined that there are specific facts indicating that the  
355 person to be detained poses a threat to public safety; and further provided that such person be  
356 provided with a copy of such written request; and further provided that in no circumstances shall  
357 such detention exceed 12 hours.

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

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

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

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

367 (4) the person has been convicted of an aggravated felony, as defined under 8 U.S.C. §  
368 1101(a)(43); or

369 (5) the person has been convicted of a crime of (i) domestic violence; (ii) sexual abuse or  
370 exploitation; (iii) trafficking in persons in violation of sections 50 or 51 of chapter 265 or like  
371 violations of the law of another state, the United States or a military, territorial or Indian tribal  
372 authority; (iv) burglary; (v) unlawful possession or use of a firearm; (vi) drug distribution or

373 trafficking; (vii) second or subsequent operating or driving under the influence; or (viii) any  
374 other offense for which the person has been sentenced to time in custody of 180 days or more.

375 (c) In making such determination under subsection (a), if the appropriate judicial officer  
376 does not honor the request from Immigrations and Custom Enforcement, the judicial officer shall  
377 detail the reasons therefore in writing, and said determination shall be filed with the Clerk of the  
378 Court having jurisdiction over the location of the detention and maintained as a public record.  
379 Said determination shall not be subject to impoundment and may only be redacted to protect the  
380 names of minors and victims.

381 (d) This section shall not be construed to give rise to a private right of action and shall not  
382 be construed so as to make unlawful any arrest in this commonwealth which would otherwise be  
383 lawful.

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

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

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

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

399 SECTION 10. Nothing in this act shall be construed to require action inconsistent with  
400 any applicable state or federal law to diminish the statutory authority of any law enforcement  
401 agency or political subdivision of the commonwealth or executive-branch entity, to prevent the  
402 renewal of an existing agreement under section 287(g) of the federal Immigration and  
403 Nationality Act, or to require action that would be inconsistent with other legal requirements for  
404 a state or federally supported or funded program. Nothing in this act shall be construed to restrict  
405 or interfere with the execution of lawful judicial warrants or judicial orders or the enforcement of  
406 criminal law. Nothing in this act shall be construed to impact or interfere with any current  
407 operations or agreements of the Department of Correction."

408 SECTION 11. Sections 2, 5, and 6 shall take effect 90 days after the effective date of this  
409 act.

410 SECTION 12. Section 3 shall take effect 180 days after the effective date of this act."