

SENATE No. 3086

Senate, May 7, 2026 -- Text of the Senate amendment to the House Bill promoting rule of law, oversight, trust and equal constitutional treatment (House, No. 5316) (being the text of the Senate document numbered 3072, printed as amended)

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 for 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 who prevails in an action authorized by subsection (a) shall be
15 entitled to an award of the costs of the litigation and reasonable attorneys' fees in an amount to
16 be fixed by the court, to the same extent as provided for by 42 U.S.C. § 1988.

17 (d) Any aggrieved person who bring a claim under subsection (a) must, at the time of
18 filing said claim, provide written notice to the attorney general and certify to the court where said
19 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 state government or of the federal
28 government, authorizing an arrest.

29 "Premises", the private residence or the facility that is licensed or funded by the
30 department for the early education and care of children, for the school-aged education and care
31 of children, or for group care, including the outdoor space on which the residence or facility is
32 located.

33 (b) Except as required by state or federal law or as required for the commonwealth or any
34 of its subdivisions to administer a state or federally-supported or funded program, arrests for

35 civil law enforcement shall not be permitted on the premises of a licensed or department-funded
36 child care center, family child care home, school-aged child care program or group care facility
37 without a judicial warrant or judicial order.

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

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

56 (e) The requirements of subsections (b) and (c) shall apply regardless of whether a
57 licensed or department-funded child care center, family child care home, school-aged child care
58 program or group care facility has adopted the policy required by said subsection (c).

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

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

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

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

75 SECTION 4. Chapter 54 of the General Laws is hereby amended by inserting after
76 section 65 the following section:-

77 Section 65A. An act prohibited by 18 U.S.C. § 592 and 18 U.S.C. § 593 by a federal,
78 state or local officer shall be a civil violation of state law. The attorney general shall have
79 exclusive authority to enforce this section by bringing a civil action for declaratory, injunctive or
80 other appropriate equitable relief to compel compliance or prevent violations.

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

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

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

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

89 “Collaborative school”, a school operated by an education collaborative established
90 pursuant to section 4E of chapter 40.

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

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

95 ”Judicial warrant or judicial order”, an arrest warrant or other judicial order, signed by a
96 judge or magistrate sitting in the judicial branch of a state government or of the federal
97 government, authorizing an arrest.

98 “School”, a school administered by a school department of a city or town or regional
99 school district, a county agricultural school, an independent vocational school or a vocational
100 school operated by a county, a commonwealth charter school or Horace Mann charter school
101 established pursuant to section 89, a special day school or other day facility and a short or long-
102 term residential school providing educational programs for children with disabilities established
103 pursuant to chapter 71B and in accordance with chapter 766 of the acts of 1972 or an educational
104 collaborative established pursuant to section 4E of chapter 40.

105 “School district”, the school department of a city or town, a regional school district, an
106 independent vocational school, or a vocational school or agricultural school operated by a
107 county.

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

112 (c) The department, in consultation with the attorney general, organizations representing
113 school employees and managers, the Massachusetts association of school committees, the
114 Massachusetts Association of 766 Approved Private Schools, and other appropriate stakeholders,
115 shall publish guidance and model policies relating to interaction with law enforcement agents
116 engaged in civil law enforcement, including but not limited to federal immigration authority, to
117 the fullest extent possible consistent with state and federal law, ensuring that schools remain safe
118 and accessible for all Massachusetts’ residents. The guidance and model policies shall include
119 procedures, which shall include, but not be limited to, the following: (i) identifying a designated

120 authorized person or persons at each school and the district superintendent's office or school
121 administrative office to serve as the individuals responsible for having primary contact with the
122 law enforcement agents; (ii) procedures for contacting a designated authorized person at the
123 school and the district superintendent's office or school administrative office, who will contact
124 the school's legal counsel; (iii) procedures for documenting all interactions with law enforcement
125 agents while on the school's premises; (iv) procedures for notifying a student's parents or
126 guardian or from the student if the student is 18 years or older or emancipated if a law
127 enforcement agent requests access to a student or student's information for any civil law
128 enforcement purpose; (v) procedures following the confirmation of law enforcement agents
129 engaged in civil law enforcement on school sites which shall include, but not be limited to,
130 procedures to notify students' parents and guardians, teachers, administrators, and school
131 personnel when the school confirms the presence of law enforcement agents engaged in civil law
132 enforcement on the school site in a manner that ensures the confidentiality and privacy of any
133 potentially identifying information; (vi) a plan to confirm and update students' emergency
134 contacts and allow for more than one person to be listed; and (vii) a plan to share these
135 procedures and policies with students and families including through the use of the school
136 district website.

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

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

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

150 (g) An individual aggrieved by a violation of this section may apply for a writ of habeas
151 corpus if such person has reasonable cause to believe that a civil arrest in violation of this section
152 has occurred. The attorney general may bring a suit in law or equity for civil arrests in violation
153 of this section.

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

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

161 Section 250. (a) For the purposes of this section, the following words shall have the
162 following meanings unless the context clearly requires otherwise:

163 “Civil law enforcement”, any and all efforts to investigate, enforce or assist in the
164 investigation or enforcement of civil law, including but not limited to any federal civil
165 immigration law; provided, however, that “civil immigration enforcement” shall not include
166 efforts to provide or assist in providing medical care to a patient or detainee who is in the
167 custody of an agency primarily charged with civil law enforcement.

168 “Covered care provider”, a hospital, community health center, clinic, mobile clinic, free
169 medical group, convalescent or nursing home, rest home, charitable home for the aged,
170 emergency medical service, adult day health center or substance use disorder treatment program
171 licensed by the department or by the department of mental health, a public hospital operated by
172 the department or by the department of mental health pursuant to chapter 19, a health care
173 practice operated by physicians licensed to practice medicine by the board of registration in
174 medicine, a health care practice of a nurse practitioner, psychiatric nurse mental health clinical
175 specialist or nurse anesthetist who has independent practice authority pursuant to sections 80E,
176 80H and 80J of chapter 112 and is licensed by the board of registration of nursing, a provider of
177 services or treatment to persons with intellectual or developmental disabilities that is funded or
178 licensed by the department of developmental services or a provider of day habilitation services
179 pursuant to a contract with MassHealth.

180 “Judicial warrant” or “judicial order”, an arrest warrant or other judicial order, issued by
181 a judge or magistrate sitting in the judicial branch of a state government or of the federal
182 government, authorizing an arrest.

183 (b) Except as required by state or federal law or as required for the commonwealth or any
184 of its subdivisions to administer a state or federally supported or funded program, arrests for civil

185 law enforcement shall not be permitted in areas designated by covered care providers as a
186 nonpublic area without judicial warrant.

187 (c) Each covered care provider licensed by the department of public health, the
188 department of mental health or funded or licensed by the department of developmental services
189 or MassHealth or a covered health care entity that is a non-hospital-based physician practice with
190 not less than \$500,000,000 in annual gross patient service revenue shall adopt and implement a
191 policy appropriate to the particular clinical or other setting regarding interactions with law
192 enforcement agents involved in civil law enforcement which shall include, but not be limited to:
193 (i) the designation of a contact person or persons to be notified of the presence of, or information
194 requests from, law enforcement agents engaged in civil law enforcement; (ii) the designation of
195 nonpublic areas where individuals are receiving treatment, services or care, where individuals
196 discuss protected health information or that are not otherwise open to the public; and (iii)
197 procedures for informing staff and volunteers on how to respond to requests relating to civil law
198 enforcement; provided, however, that other covered care providers may adopt and implement a
199 policy appropriate to their clinical or other setting, as outlined in this subsection, to implement
200 subsection (b).

201 (d) The department of public health, the department of mental health and the department
202 of developmental services, in consultation with the attorney general and organizations
203 representing staff at the covered care provider facilities, shall prepare and publish on their
204 websites a model policy consistent with the requirements of this section.

205 (e) Nothing in this section shall be interpreted to limit or interfere with the ability of a
206 covered care provider to provide medical care to a patient or detainee in the custody of an agency

207 primarily charged with civil law enforcement; provided, however, that, where applicable,
208 covered care providers and their medical staff shall have the exclusive authority to recommend
209 treatment options to patients and detainees and to provide such treatment to them.

210 (f) An individual aggrieved by a violation of this section may apply for a writ of habeas
211 corpus if such person has reasonable cause to believe that a civil arrest in violation of this section
212 has occurred. The attorney general may bring a suit in law or equity for civil arrests for
213 violations of this section.

214 (g) Nothing in this section shall be interpreted to require a state or local law enforcement
215 officer to interfere with or assist the actions of a federal official engaged in civil immigration
216 enforcement. Nothing in this section shall be interpreted to confer upon any state or local law
217 enforcement officer the authority, obligation or responsibility to enforce, interpret, supervise,
218 assess compliance with or prevent conduct governed by this section.

219 (h) Personnel of a covered care provider, including, but not limited to, administrative
220 staff and volunteers, shall not be subject to discipline, retaliation or adverse action by the
221 covered care provider or any licensing authority for acting in good faith compliance with this
222 section or a policy adopted pursuant to subsection (c). Such personnel shall not be subject to
223 retaliation or adverse action for making a complaint under this section.

224 (i) Personnel of a covered care provider, including, but not limited to, administrative staff
225 and volunteers, shall be immune from civil, criminal or administrative liability for actions or
226 omissions taken in good faith and within the scope of their duties in compliance with this section
227 or a policy adopted pursuant to subsection (c).

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

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

232 “Articulable, case-specific reason”, a reason necessary to prove an element of a criminal
233 offense that is specific to the facts of that case and documented in the applicable incident report
234 or case file.

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

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

241 “Immigration detainer”, a request to a law enforcement agency to maintain custody of an
242 individual for immigration enforcement purposes, including detainers issued under 8 U.S.C. §§
243 1226 or 1357 or 8 C.F.R. §§ 236.1 or 287.7; provided, however, that “immigration detainer”
244 shall include, but not be limited to, form I-247A titled “Immigration Detainer – Notice of
245 Action” and any predecessor or successor form.

246 “Law enforcement agency”, (i) a state, county, municipal or district law enforcement
247 agency, including, but not limited to, a city, town or district police department, the office of
248 environmental law enforcement, the University of Massachusetts police department, the

249 department of the state police, the Massachusetts Port Authority police department, also known
250 as the Port of Boston Authority police department, and the Massachusetts Bay Transportation
251 Authority police department; (ii) a sheriff’s department; (iii) a public or private college,
252 university or other educational institution or hospital police department; or (iv) a humane society
253 police department under section 57 of chapter 22C.

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

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

262 (b) Except as required by federal or state law, or pursuant to a judicial warrant, court
263 order or treaty, no law enforcement officer or employee of a law enforcement agency, the trial
264 court, the appeals court or the supreme judicial court, while acting under color of law, shall: (i)
265 inquire about the immigration or citizenship status of any person; (ii) record or maintain
266 immigration or citizenship status information; (iii) except as allowed by an agreement authorized
267 under subsection (c) or other valid intergovernmental service agreement allowed under state law,
268 or to provide information allowed under clause (viii), use, or allow the use of, state or local
269 resources for, or conduct or participate in, federal civil immigration enforcement; (iv) stop,
270 arrest, search, seize or detain an individual based on their actual or perceived citizenship or

271 immigration status; (v) investigate, question or interrogate an individual for the purpose of
272 federal civil immigration enforcement; (vi) detain or continue to detain an individual based
273 solely on an immigration detainer past the time the individual would otherwise be eligible for
274 release from custody; or (vii) except as allowed by an agreement authorized under subsection (c)
275 or other valid intergovernmental service agreement allowed under state law, transport an
276 individual into an immigration agent's custody unless pursuant to a judicial warrant or court
277 order; or

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

287 (c) No law enforcement agency or political subdivision of the commonwealth shall
288 execute, renew or materially expand a memorandum of agreement pursuant to 8 U.S.C. §
289 1357(g) or any substantially similar agreement or arrangement that deputizes state or local law
290 enforcement officers or personnel to perform civil immigration enforcement functions; provided,
291 however, that the department of correction may maintain the memorandum of agreement
292 pursuant to 8 U.S.C. § 1357(g) in effect as of June 8, 2020; provided further, that the department
293 of correction shall apply to the executive office of public safety and security to enter into, renew

294 or materially expand a memorandum of agreement pursuant to 8 U.S.C. § 1357(g) or any
295 substantially similar agreement or arrangement that deputizes state or local law enforcement
296 officers or personnel to perform civil immigration enforcement functions or to execute any new
297 agreements; provided further, that any payments made by the federal government to reimburse
298 the department of correction for costs associated with executing responsibilities under an
299 agreement described in this paragraph shall be transferred to and distributed by the office for
300 refugees and immigrants to designated non-profit organizations to increase access to legal
301 representation for immigrants and refugees in the commonwealth.

302 (d) Nothing in this section shall be construed to restrict or limit the ability of a law
303 enforcement agency or officer or employee of such an agency, the trial court, the appeals court or
304 the supreme judicial court, acting under color of law to: (i) investigate and enforce criminal law,
305 provided that the law enforcement agency or officer does not take such actions for the purpose of
306 conducting or participating in federal civil immigration enforcement, including, but not limited
307 to: (A) requesting or receiving personally identifying information during a lawful criminal
308 investigation, arrest or booking process; (B) sending fingerprints to the state police state
309 identification section or other criminal justice information systems operated by the
310 commonwealth, a political subdivision of the commonwealth or the federal bureau of
311 investigation; (C) communicating with state, local and federal authorities for purposes of
312 conducting coordinated criminal investigations unrelated to federal civil immigration
313 enforcement; (D) transferring an individual to another law enforcement agency for the purpose
314 of enforcing criminal law unrelated to federal civil immigration enforcement; (E) contacting
315 federal immigration authorities to request that an individual be returned to state or local custody
316 for the purpose of bringing a criminal prosecution against the individual or to be a witness in a

317 criminal prosecution or grand jury; or (F) requesting information regarding citizenship or
318 immigration status when the officer has an articulable, case-specific reason to believe the
319 person's citizenship or immigration status is directly material to a specific criminal offense under
320 sections 50 to 52, inclusive, of chapter 265 or to a felony under the laws of the commonwealth
321 for which such information is required to establish an element of the offense; (ii) comply with a
322 judicial warrant or court order; (iii) use de-escalation tactics as defined in section 1 of chapter 6E
323 and maintain peace in public spaces; (iv) make inquiries necessary to certify an individual who
324 has been identified as a potential crime or trafficking victim for a T or U Visa pursuant to 8
325 U.S.C. § 1101(a)(15)(T) or 1101(a)(15)(U); (v) notify an individual in the law enforcement
326 agency's custody about that individual's right to communicate with consular officers, make
327 inquiries regarding an individual's nationality or citizenship necessary to notify consulates that
328 require notification when an individual is arrested, and notify said consulates, in accordance with
329 international law; (vi) request evidence of citizenship or immigration status to process an
330 application for or renewal of any firearm license, card, or permit pursuant to section 121F of
331 chapter 140 or 18 U.S.C. §§ 921-931; (vii) send to or receive from the federal government an
332 individual's citizenship or immigration status as required by 8 U.S.C. §§ 1373 and 1644; (viii)
333 enter into or fulfill an inter-governmental services agreement with a federal agency to provide
334 detention services for persons in federal custody; or (ix) comply with the requirements of any
335 other applicable federal, state or local law.

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

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

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

346 (4) Nothing in this section shall be construed to require or permit a law enforcement
347 agency to provide information or other assistance to a federal immigration authority in
348 contravention of local law or the written policy of such agency.

349 (5) Nothing in this section shall be interpreted to alter the responsibilities of law
350 enforcement officers under chapter 6E.

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

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

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

361 SECTION 10. Said subsection (d) of said section 5-202 of said chapter 190B, as so
362 appearing, is hereby further amended by adding the following sentence:- For purposes of this
363 section, “adverse immigration action” shall mean: (i) detention or custody by the United States
364 Department of Homeland Security or any other agency authorized or acting on behalf of the
365 United States Department of Homeland Security on the basis of an alleged violation of federal
366 immigration law; (ii) departure from the United States under an order of removal, deportation,
367 exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary departure; or
368 (iii) denial of admission or entry into the United States by the Department of Homeland Security.

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

375 SECTION 12. The General Laws are hereby further amended by inserting after chapter
376 221C the following chapter:-

377 Chapter 221D

378 CIVIL ARRESTS IN COURTS

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

381 “Civil arrest”, an arrest that is not: (i) for the purpose of preparing the person subject to
382 such arrest for criminal prosecution for an alleged violation of the criminal law of: (A) the
383 commonwealth or another jurisdiction within the United States, for which a sentence of a term of
384 imprisonment is authorized by law; or (B) the United States, for which a sentence of a term of
385 imprisonment is authorized by law and for which federal law requires an initial appearance
386 before a federal judge, federal magistrate or other judicial officer pursuant to the federal rules of
387 criminal procedure that govern initial appearances; (ii) for contempt of court; (iii) for a *capias*
388 issued by a judge of the commonwealth; (iv) for a parole warrant issued under section 149A of
389 chapter 127 or a probation warrant issued under section 3 of chapter 279; (v) for a governor’s
390 warrant of arrest issued under section 16 of chapter 276; or (vi) related to an application for
391 commitment under section 12 of chapter 123.

392 “Courthouse”, the interior of any facility in which a court of the commonwealth conducts
393 business or curtilage thereof, as determined by the court, which may include walkways,
394 driveways, alleys or sidewalks on the grounds of, contiguous to or directly abutting the
395 courthouse or connecting such garage or parking lot to the courthouse.

396 “Judicial warrant” or “judicial order”, an arrest warrant or other judicial order, signed by
397 a judge or magistrate sitting in the judicial branch of a state government or of the federal
398 government, authorizing a civil arrest.

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

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

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

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

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

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

425 (b) Annually, not later than July 1, the trial court shall prepare, publish on the court's
426 website and provide to the governor, the speaker of the house of representatives, the president of
427 the senate, the clerks of the house and senate, the chairs of the joint committee on public safety
428 and homeland security and the chairs of the joint committee on the judiciary a report containing
429 information on the judicial warrants and judicial orders received by each court of the
430 commonwealth pursuant to this chapter in the past year. The report shall include, but shall not be
431 limited to: (i) the date each judicial warrant or judicial order was signed; (ii) the name of the
432 judge who issued the judicial warrant or judicial order; (iii) the name and location of the court
433 that issued the judicial warrant or judicial order, as shown by such judicial warrant or judicial
434 order; (iv) the date the judicial warrant or judicial order was presented to the court; (v) a
435 description of the type of judicial warrant or judicial order; and (vi) if known, whether or not an
436 arrest occurred with respect to such judicial warrant or judicial order and the date and location of
437 such arrest.

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

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

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

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

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

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

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

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

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

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

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

473 “Civil arrest”, an arrest that is not for the sole or primary purpose of preparing the person
474 subject to such arrest for criminal prosecution, for an alleged violation of the criminal law of: (A)
475 the commonwealth or another jurisdiction within the United States, for which a sentence of a
476 term of imprisonment is authorized by law; or (B) the United States, for which a sentence of a
477 term of imprisonment is authorized by law, and for which federal law requires an initial
478 appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the
479 federal rules of criminal procedure that govern initial appearances.

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

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

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

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

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

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

501 Public employers may indemnify public employees, and the commonwealth shall
502 indemnify persons holding office under the constitution, from personal financial loss, all
503 damages and expenses, including legal fees and costs, if any, in an amount not to exceed
504 \$1,000,000 arising out of any claim, action, award, compromise, settlement or judgment by
505 reason of an intentional tort, or by reason of any act or omission that constitutes a violation of the
506 civil rights of any person under any federal or state law, if such employee or official or holder of
507 office under the constitution at the time of such intentional tort or such act or omission was
508 acting within the scope of their official duties or employment; provided however, that with
509 approval of the public employer, the attorney general, and the secretary of administration and
510 finance, indemnification under this section may exceed \$1,000,000 solely for loss, damages, or

511 expenses, including legal fees and costs, if any, arising directly from an investigation, inquiry, or
512 claim initiated by the federal government concerning acts or omissions within the scope of
513 official duties or employment of such employee or official. No such employee or official, other
514 than a person holding office under the constitution acting within the scope of their official duties
515 or employment, shall be indemnified under this section for the violation of any such civil rights
516 or with respect to any federal investigation or inquiry if they acted in a grossly negligent, willful
517 or malicious manner.

518 SECTION 15. The General Laws are hereby further amended by striking out chapter
519 258F and inserting in place thereof the following chapter:-

520 Chapter 258F

521 CERTIFICATION FOR VICTIMS OF CRIMINAL ACTIVITY AND HUMAN
522 TRAFFICKING

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

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

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

532 “Qualifying criminal activity”, (i) criminal activity described in 8 U.S.C. §
533 1101(a)(15)(U)(iii) and severe forms of trafficking in persons described in 8 U.S.C. §
534 1101(a)(15)(T); and (ii) any offense under the laws of the commonwealth or a political
535 subdivision thereof that is substantially similar.

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

547 Section 3. Each certifying entity shall adopt, publish and maintain a written certification
548 policy consistent with this chapter and the regulations promulgated pursuant to section 6. The
549 policy shall include, but shall not be limited to: (i) identification of a designated certifying
550 official within the certifying entity and an alternate; (ii) a description of how requests may be
551 submitted, which shall include, but not be limited to, by email, through legal counsel or through
552 an authorized advocate; (iii) objective criteria used to assess whether a person is a victim who
553 meets the requirements for helpfulness consistent with federal certification forms; (iv) a
554 prohibition of consideration of the applicant’s immigration admissibility or eligibility beyond the

555 determinations required by the federal certification form; (v) a prohibition of any fee; and (vi) a
556 description of the certifying entity's internal review process for denials.

557 Section 4. (a) A certifying entity shall respond to a certification request from a victim of
558 qualifying criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. §
559 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition
560 for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(T) not later than 60 days after receiving
561 such request.

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

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

575 Section 5. (a) A certifying entity shall establish a rebuttable presumption of helpfulness
576 for any victim who timely reports qualifying criminal activity and is willing to be helpful or

577 provide information in a manner reasonably requested by the certifying entity. A certifying entity
578 shall not deny a request solely because: (i) no arrest was made; (ii) the case was closed; (iii) the
579 victim has a criminal record unrelated to the qualifying criminal activity; or (iv) the victim chose
580 to exercise constitutional rights.

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

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

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

593 Section 7. The attorney general shall issue guidance providing for a process to submit
594 complaints for violations of this chapter and may file a complaint against a certifying entity for
595 declaratory, injunctive and other equitable relief to compel compliance or prevent violations of
596 this chapter. Nothing in this section shall be construed to create a private right of action;
597 provided, however, that nothing herein shall limit any remedy otherwise available under law,
598 including, but not limited to, remedies under chapter 249.

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

602 SECTION 16. (a) There shall be a commission on immigration matters in the
603 commonwealth. The commission shall operate for 3 calendar years starting on the day on which
604 the commission goes into effect; provided, however, that the commission may be extended for up
605 to an additional 3 years upon agreement of the chairs. The commission shall consist of 21
606 members including: 2 members to be appointed by the governor, 2 members to be appointed by
607 the president of the senate, 1 member to be appointed by the minority leader of the senate, 2
608 members to be appointed by the speaker of the house of representatives, 1 member to be
609 appointed by the minority leader of the house of representatives, 1 member to be appointed by
610 the attorney general, 1 member to be appointed by the department of the trial court, 1 member to
611 be appointed by the office of refugees and immigrants, 1 member to be appointed by the
612 committee for public counsel services, 1 member to be appointed by Greater Boston Legal
613 Services, Inc., 1 member to be appointed by the Massachusetts Municipal Association, 1
614 member to be appointed by Neighbor to Neighbor Massachusetts Education Fund Inc., 1 member
615 to be appointed by the Massachusetts Temporary Protected Status Committee, 1 member to be
616 appointed by the Massachusetts AFL-CIO, 1 member to be appointed by Massachusetts
617 Immigrant and Refugee Advocacy Coalition Inc., 1 member to be appointed by the
618 Massachusetts Sheriffs' Association, Inc., 1 member to be appointed by the Massachusetts
619 Chiefs of Police Association Incorporated and 1 member to be appointed by the Massachusetts
620 District Attorneys Association. An appointing authority may remove a member at the appointing
621 authority's discretion and shall fill any vacancies. The president of the senate and the speaker of

622 the house of representatives shall each designate a co-chair of the commission from the
623 membership of the commission. Each member of the commission shall be a resident of the
624 commonwealth.

625 (b) The commission shall investigate, study and make recommendations regarding
626 immigration matters in the commonwealth, including interactions with federal immigration
627 agencies, including, but not limited to: (i) reviewing the adequacy of existing state statutes,
628 regulations and practices; (ii) formulating appropriate responses to decisions by federal and state
629 courts; (iii) recommending municipal policies including ordinances, by-laws and other
630 regulations; (iv) reviewing immigration legal defense funding and recommending budgetary
631 adjustments to best serve the needs of immigration legal defense efforts; (v) reviewing policies
632 regarding data sharing between state and local agencies and the federal government including,
633 but not limited to, the sharing of: (A) criminal offender record information, and (B) fingerprints
634 when not required by state or federal law; (vi) reviewing the use of state and local facilities,
635 including airports, by the federal government to facilitate immigration enforcement; (vii)
636 reviewing the policies and guidelines issued and adopted by public and private entities related to
637 civil immigration enforcement; (viii) reporting on disaggregated data regarding compliance with
638 said policies and guidelines; (ix) reviewing the powers of state and local law enforcement
639 officers and employees to: (A) investigate legal violations by federal officers and employees, and
640 (B) to maintain joint control over crime scenes that may involve a violation of the criminal laws
641 of the commonwealth, and recommending procedures that may be used in the exercise such
642 powers; (x) reviewing language accessibility of the policies public and private entities adopt
643 regarding interactions with civil immigration enforcement; (xi) developing recommendations for
644 proactive measures to protect the preparation for, and administration and implementation of, the

645 2030 decennial census, pursuant to title 13 of the United States Code, from interference by
646 agents of the United States immigration and customs enforcement agency; and (xii) evaluating
647 and making recommendations regarding safe spaces including, but not limited to, playgrounds,
648 summer camps, public libraries, higher education campuses, other educational entities and
649 locations where funeral services are typically held.

650 The commission shall include its findings pursuant to this subsection in at least 1 of the
651 commission's annual reports issued pursuant to subsection (c).

652 (c) The commission shall meet not less than 4 times per year. At least annually, the
653 commission shall issue a report and shall submit it to the governor, the attorney general and the
654 clerks of the senate and house of representatives. The report shall include, but not be limited to:
655 (i) the number of commission meetings held, including scheduled and emergency meetings; (ii)
656 the number of hearings held and topics discussed; (iii) any laws, regulations or executive orders
657 proposed by the commission and the results of any votes of the commission taken on such
658 proposals; and (iv) an analysis of latest budget provisions and anticipated future budgetary needs
659 for immigration legal defense efforts.

660 (d) The commission shall conduct at least one annual public hearing. Not less than 5 days
661 before a public hearing, the commission shall provide notice of the time and location of such
662 hearing.

663 SECTION 17. Notwithstanding any general or special law to the contrary, each licensed
664 child care center, family child care home and school-aged child care program shall adopt a
665 policy, as required by subsection (c) of section 23 of chapter 15D of the General Laws, as

666 inserted by section 2, to be in effect not later than September 1, 2026 or the first day of the 2026-
667 2027 school year, whichever is earlier.

668 SECTION 18. Notwithstanding any general or special law to the contrary, each school
669 district, charter school and collaborative school shall adopt the policy, as required by subsection
670 (c) of section 102 of chapter 71 of the General Laws, as inserted by section 5, to be in effect not
671 later than September 1, 2026 or the first day of the 2026-2027 school year, whichever is earlier.

672 SECTION 19. The department of public health and the department of mental health, in
673 consultation with the attorney general, shall issue the model policy pursuant to subsection (d) of
674 section 250 of chapter 111 of the General Laws, as inserted by section 6, not more than 30 days
675 after the effective date of this act.

676 SECTION 20. Covered health care providers shall adopt a provider-specific policy, as
677 required by subsection (c) of section 250 of chapter 111 of the General Laws, as inserted by
678 section 6, not more than 60 days after the effective date of this act.

679 SECTION 21. Section 7 shall take effect 30 days after the effective date of this act.

680 SECTION 22. Sections 12 and 15 shall take effect 90 days after the effective date of this
681 act.