

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to public safety, fiscal responsibility, and emergency assistance.

PETITION OF:

NAME:

Bruce E. Tarr

DISTRICT/ADDRESS:

First Essex and Middlesex

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to public safety, fiscal responsibility, and emergency assistance.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 276 of the General Laws is hereby amended by inserting after
2 section 20R the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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