

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Peter J. Durant

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 sanctuary policies in the commonwealth.

PETITION OF:

NAME:

Peter J. Durant

DISTRICT/ADDRESS:

Worcester and Hampshire

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act relative to sanctuary policies in the commonwealth.

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 147 of the General Laws as appearing in the 2022 Official Edition
2 is hereby amended by inserting after Section 62 the following section:-

3 SECTION 63. (a) Definitions. As used in this section the following words shall have the
4 following meanings, unless the context clearly requires otherwise:

5 “Law enforcement agency” means an agency in this commonwealth charged with
6 enforcement of state and federal laws, or with managing custody of detained persons in this
7 commonwealth, and includes, but is not limited to, state police, campus police, and the executive
8 office of public safety and security. This also includes officials, representatives, agents, and
9 employees of an agency as mentioned above.

10 “Official” means an agent, employee, member, or representative of a state governmental
11 entity.

12 “Sanctuary Policy” means any directive, order, ordinance, resolution, practice, or policy,
13 whether formally enacted, informally adopted, or otherwise effectuated that:

14 (i) limits or prohibits any state governmental entity or official from communicating or
15 cooperating with federal agencies or officials to verify or report the immigration status of any
16 alien;

17 (ii) grant aliens unlawfully present in the United States the right of lawful presence within
18 the boundaries of this state in violation of federal law;

19 (iii) violates 8 U.S.C. 1373;

20 (iv) restricts in any way, or imposes any conditions on, a state or local governmental
21 entity’s cooperation or compliance with detainers or other requests from the United States
22 department of homeland security, or other successor agency, to maintain custody of any alien or
23 to transfer any alien to the custody of the United States department of homeland security, or
24 other successor agency;

25 (v) requires the United States department of homeland security, or other successor
26 agency, to obtain a warrant or demonstrate probable cause before complying with detainers or
27 other requests from the department to maintain custody of any alien or to transfer any alien to its
28 custody; or

29 (vi) prevents law enforcement agencies from inquiring as to the citizenship or
30 immigration status of any person.

31 (b) No state, county or local governmental entity shall adopt or enact a sanctuary policy.

32 A state, county or local governmental entity that adopts or enacts a sanctuary policy is ineligible

33 to enter into any grant contract with the executive office of public safety and security until the
34 sanctuary policy is repealed, rescinded, or otherwise no longer in effect.

35 The attorney general shall receive complaints regarding any violations of this section.
36 Upon receiving a complaint or opinion request, the attorney general shall investigate and
37 determine whether a violation of this section has occurred. The attorney general shall issue and
38 make public an opinion stating whether the state, county, or municipal governmental entity or
39 official, which is the subject of the complaint or opinion request, has adopted or enacted a
40 sanctuary policy. Upon the issuance of an opinion by the attorney general that a state, county, or
41 municipal governmental entity or official has adopted or enacted a sanctuary policy, the entity, of
42 the entity to which the official belongs, becomes ineligible to receive any state moneys that
43 would otherwise be remitted to the entity by the executive office of public safety and security.
44 Ineligibility commences on the date the opinion is issued and continues until such time that the
45 attorney general certifies that the sanctuary policy is repealed, rescinded, or otherwise no longer
46 in effect.

47 A state, county, or local governmental entity or official has less than one hundred twenty
48 (120) days from the date of the attorney general's opinion to comply. If, after the one hundred
49 twenty (120) days, the entity or official has not complied with the attorney general's opinion, the
50 attorney general may take whatever action necessary to enforce compliance.