

Committee on Public Safety and Homeland Security

Bill Summary

Bill Number: H2580

Name: An Act to protect the civil rights and safety of all Massachusetts residents

Sponsor(s): Representative Manny Cruz

Hearing Date: November 25th at 11:30AM in Gardner Hall

Prior History: Favorable

Summary: Section 1: Act may be cited as “The Safe Communities Act.

Section 2: The Thai bill amends Chapter 147 (STATE AND OTHER POLICE, AND CERTAIN POWERS AND DUTIES OF THE OFFICE OF PUBLIC SAFETY AND INSPECTIONS OF THE DIVISION OF PROFESSIONAL LICENSURE), inserting after Section 62, Section 63 (Updates to Law Enforcement Procedures). (a) Defining Law Enforcement Agency; Immigration Enforcement; United States Department of Homeland Security/DHS. (b) Community relations with law enforcement agencies: no officer or employee of a law enforcement agency on duty may question persons on immigration status unless state or federal law requires so, and judges and magistrates make inquiries as necessary to adjudicate matters.(c) Due process protections: any interview, informal or formal, conducted for immigration enforcement purposes between the person in custody and a DHS employee or law enforcement agency shall require written consent. The consent form explains the purpose of the interview for immigration purposes; information provided can be used against them; the person may decline signing the documents, the interview, or having an attorney present at their own expense. It is the law enforcement agency’s responsibility to ensure a checkbox indicating if an interview was conducted and counsel was present. Additionally, they must provide additional languages and interpretations to obtain informed consent. The Office of the Attorney General shall prepare consent forms and make them available. Records relating to the granting of interviews or questioning shall be public records as defined in paragraph 26 of section 7 of chapter 4, with any personal identifying information not disclosed. (d) Subsection (b) and (c) do not apply to interviews or questioning of persons held in Massachusetts correctional facilities under an Inter-Governmental Service Agreement with DHS; however, detainees still have the right to seek legal counsel at their own expense, choose to decline to speak with DHS or only with an attorney present, and may decline to sign any documentation presented. (e) Guidelines for reporting release information: State and local law enforcement officers or employees shall not communicate with DHS about the pending or imminent release of a person being released other than the end of a sentence of incarceration

for a criminal conviction. Citizenship or immigration status sharing of status is not prohibited in this section. If a request for notification is received by DHS, the law enforcement agency shall inform the person in custody alongside a copy of the request and any related documentation presented to DHS. (f) Implementation and training: All law enforcement agencies in the commonwealth will incorporate information and guidance regarding this section into their regular introductory and in-service training programs within 12 months. Anyone may file a complaint for a violation of this section, and an investigation shall be completed with a written summary of the findings to the executive office of public safety and security. With a substantiated finding, the summary will provide actions taken to correct violations and any sanctions imposed. Findings made under this subsection shall be public records as defined in paragraph 26 of section 7 of chapter 4 with no personal identifying information disclosed. Section 3: Chapter 126 (JAILS, HOUSES OF CORRECTION AND REFORMATION, AND COUNTY INDUSTRIAL FARMS) is amended after Section 39, Section 40: No officer or employee of the department of corrections, the state police, any sheriff's department, or any city or town police department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal. Any current agreements at the time of passage inconsistent with this section are null and void. Any agreement must be null and void within 90 days of passage. This does not prohibit the department of correction or house of correction entering into an Inter-Governmental Service Agreement with DHS where persons in ICE custody are housed with a daily fee for each person detailed by DHS.