

Joint Committee on Public Safety and Homeland Security

Bill Summary

BILL NUMBER

House, No. 5158

TITLE

An Act promoting rule of law, oversight, trust, and equal constitutional treatment ("The PROTECT Act")

SPONSORS

Representatives Vargas of Haverhill, Garcia of Chelsea, Moran of Lawrence, González of Springfield, Vaughn of Wrentham, Sousa of Framingham, Cruz of Salem, Mendes of Brockton, Montaña of Boston, Fluker-Reid of Boston, Diggs of Barnstable, Davis of Great Barrington, Arriaga of Chicopee, Gómez of Easthampton, Holmes of Boston, Ramos of Springfield, Reyes of Lawrence, Paulino of Methuen, Sena of Acton, Tyler of Boston, Worrell of Boston, Williams of Springfield, Domb of Amherst, LeBoeuf of Worcester, Sabadosa of Northampton, Hong of Lowell, Hendricks of New Bedford, Bowen of , Vitolo of Brookline, Kerans of Danvers, Farley-Bouvier of Pittsfield, Howard of Lowell, Lewis of Framingham, Owens of Watertown, Keefe of Worcester, Linsky of Natick, DuBois of Brockton, Sangiolo of Newton, Stanley of Waltham, Decker of Cambridge, Barber of Somerville, Higgins of Leominster, Duffy of Holyoke, Moakley of Falmouth, Armini of Marblehead, Shand of Newburyport, MacGregor of Boston, Reid of Lynn, Elliott of Lowell, Hamilton of Methuen, Nguyen of Andover, Ultrino of Malden, Connolly of Cambridge, Saunders of Belchertown, Cataldo of Concord, Arena-DeRosa of Holliston, Badger of Plymouth, Barrett of North Adams, Chan of Quincy, Ciccolo of Lexington, Field of Taunton, Garballey of Arlington, Gentile of Sudbury, Giannino of Revere, Gordon of Bedford, Hawkins of Attleboro, Honan of Boston, Kassner of Hamilton, Kushmerek of Fitchburg, Lawn of Watertown, Livingstone of Boston, Luddy of Orleans, Madaro of Boston, Philips of Sharon, Rogers of Cambridge, Scanlon of North Attleborough, Schwartz of Newton, Uytterhoeven of Somerville, Whipps of Athol, and Donato of Medford; Senators Miranda, Edwards, Gómez, DiDomenico, Payano, Collins, Driscoll, Finegold, Jehlen, Kennedy, Lewis, and Rausch

HEARING DATE

Wednesday, March 18, 2026 at 09:00 AM - 12:00 PM, A-2

PRIOR HISTORY

None

SUMMARY

SECTION 1 :

Disclosure of Prior ICE/CBP (aka Border Patrol) Employment (POST Certification). Amends Chapter 6E (POST Commission law).

SECTION 2

Standards for Facilities Detaining Individuals Under Federal Civil Immigration Authority

This section applies to any state correctional facility, state prison, or county correctional facility that houses individuals under federal civil immigration authority.

Requires that these facilities supply, in the language of the detainee, the following: Right to legal counsel, right to decline interviews by federal immigration officers, instructions for contacting counsel and legal services, and facility procedures for legal communications and grievance review. The facility shall allow a call within two hours of intake and then additionally one confidential inbound call per day, or provide system for counsel to request a callback within 24 hours.

Requires a secure, non-public locator that is to be updated within 6 hours of intake/transfer and a facility hotline for timely location confirmation.

This locator should only be accessed by counsel, legal services, or a person designated by the detained individual and include confirmation of custody in the facility, contact-routing information sufficient for counsel and family, and a facility phone process for legal and general inquiries. Facilities shall provide materials for medical, mental health, disciplinary, legal-access, and grievance interactions.

Requires facilities to facilitate required EOIR and USCIS appointments (including hearings and biometrics) so cases are not harmed by missed appointments caused by facility barriers. Requires facilities to maintain a single telephone hotline for the purposes of confirming if a detainee is present and making reasonable efforts to notify counsel if a detainee is transferred.

Requires EOPSS to promulgate regulations for this section

SECTION 3:

Limits on State & Local Participation in Civil Immigration Enforcement.

Limits law enforcement inquiries into immigration status to situations where it is directly material to a specific Massachusetts criminal offense and properly documented. Prohibits inquiries into the immigration status of victims or witnesses except where legally required. Prohibits the use of immigration status to assess credibility or for general information gathering.

Restricts agencies from sharing nonpublic personal information with ICE absent a legal mandate or judicial warrant.

Prohibits providing advance notice of release or coordinating transfers to assist civil immigration enforcement without legal authorization.

Prohibits state and local agencies, except the Department of Correction, from entering into or

expanding 287(g) agreements, with the following exception: Allows a narrowly tailored, time-limited exception to 287(g) prohibitions with approval from the Secretary of Public Safety, subject to public notice and comment, Attorney General review, a 12-month sunset, and quarterly reporting.

Clarifies that nothing in this section limits compliance with federal law under 8 U.S.C. § 1373 or cooperation in criminal investigations supported by judicial warrants.

SECTION 4:

Courthouse Protections & Safe Spaces

Bans federal civil immigration arrests in courthouses, on courthouse grounds, and during direct travel to/from court, unless there is a judicial warrant or judge-signed court order. Bans court officers and trial court employees from facilitating access to nonpublic courthouse areas for civil enforcement absent that judge-signed process and may not initiate contact with immigration authorities to facilitate a civil arrest.

Requires, to the extent practicable, the executive office of the trial court to compile a quarterly report that includes:

Number of known immigration-related actions on courthouse grounds; whether the enforcement action was supported by a judicial warrant or judge-signed order; which federal agency originated the request; and if they requested access to nonpublic areas.

Maintains this section does not limit the chief justice of the trial court or Supreme Court from regulating courthouse operations and security.

SECTION 5

U Visa & T Visa Certification Reform (Victim Protection)

Rewrites Chapter 258F to reform U Visa and T Visa certification processes for crime victims and human trafficking victims. Defines “Certifying Entity” to include law enforcement agencies, district attorneys, the attorney general, courts, DCF, DOL, and MCAD. Expands the definition of qualifying criminal activity to include federal qualifying crimes, substantially similar Massachusetts offenses, and wage theft or labor exploitation involving coercion or threats, without requiring charges or a conviction. Requires mandatory written certification policies, including published procedures, designation of a certifying official, objective criteria, prohibition of fees, and an internal review process. Imposes strict decision deadlines, requiring a response within 30 days, or 10 business days if removal proceedings or a hearing is scheduled within 45 days, with approval, written denial (including reasons), or explanation of delay required.

Creates a rebuttable presumption of helpfulness if a victim timely reports and is willing to provide information, and prohibits denial solely due to lack of arrest, case closure, unrelated criminal history, or exercise of constitutional rights.

Establishes anti-retaliation protections, prohibiting state or local employees from reporting or threatening to report individuals to ICE for seeking certification or reporting a crime.

Requires oversight and reporting, directing the Secretary of Public Safety to set standards and requiring

annual aggregate data reporting by certifying entities.

SECTION 6

Enforcement by Attorney General

AG may bring civil action in Superior Court to compel compliance, obtain injunctions, require compliance plans, and recover costs and attorney fees. No private right of action is created.

SECTION 7–9

Effective Dates

Sections 1, 3, 4, 6; Effective 90 days after enactment

Section 2 (facility requirements); 180 days

Section 5 (victim certification reform); 60 days