

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, MAY 7, 2026

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JOURNAL OF THE SENATE

Thursday, May 7, 2026.

Met at seven minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair) (having been appointed, by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of
allegiance.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the following guests were introduced:

The Chair (Mr. Brownsberger) handed the gavel to Mr. Collins for the purpose of an introduction. Mr. Collins then introduced, in the rear of the Chamber, John Tobin of West Roxbury. Mr. Tobin has been the Vice President of City and Community Affairs at Northeastern University since 2010 and is a former member of the Boston City Council, having represented District 6 from 2002-2010. The Senate welcomed him with applause and he withdrew from the Chamber.

John Tobin.

The Chair (Mr. Brownsberger) handed the gavel to Ms. Miranda for the purpose of an introduction. Ms. Miranda then introduced, in the rear of the Chamber, Boston Police Deputy Superintendent Pamela Harris. Deputy Superintendent Harris was recognized for her 32 years of exemplary service, leadership and dedication to the city of Boston and was congratulated on her retirement. The Senate welcomed her with applause and she withdrew from the Chamber.

Pamela Harris.

The Chair (Mr. Brownsberger) handed the gavel to Mr. Rush for the purpose of an introduction. Mr. Rush then introduced, on the Rostrum, the Secretary of the Executive Office of Veterans Services, Dr. Eric Goralnick. Dr. Goralnick was commended for focusing his career on improving patient care in two main areas: ensuring equitable access to healthcare for vulnerable patients and supporting collaborations between the civilian and military medical communities. Dr. Goralnick was also recognized for his appointment as the Director of Military and Veterans Initiatives at Mass General Brigham and as an Associate Professor of Emergency Medicine at Harvard Medical School and the faculty lead for the Harvard Medical School Civilian Military Collaborative. The Senate welcomed him with applause, he addressed the Senate from the Rostrum, and he withdrew from the Chamber.

Dr. Eric Goralnick.

The Chair (Mr. Brownsberger) handed the gavel to Mr. Moore for the purpose of an introduction. Mr. Moore then introduced, in the rear of the Chamber, a group of European Union representatives visiting the United States with the purpose of meeting with different advocates on various artificial intelligence related topics. Among the group were: Brando Benifei from Italy, Henrick Dahl from Denmark, Alexandra Geese and Sergey Lagodinsky from Germany, Sandro Gozi from France, Michal Kobosko from Poland, Victor Negrescu from Romania, Ana Vasconcelos from Portugal and Kristian Vigenin from Bulgaria. The Senate welcomed them with applause and they withdrew from the Chamber.

European Union
representatives.

The President handed the gavel to Mr. DiDomenico for the purpose of an introduction. Mr. DiDomenico then introduced, in the rear of the Chamber, Kwame Owusu-Kesse, Chief Executive Officer of the Harlem Children's Zone, Geoffrey Canada, President of the Harlem Children's Zone and Christian Rhodes, Chief National Impact Officer of the Harlem Children's Zone. The group was recognized for their work in combatting poverty in major cities across the country and for their programming that builds up opportunities for children and families to thrive in school, work and life. They were visiting the State House to attend a hearing on the ENOUGH Act, legislation that would create a fund managed by the Executive Office of Housing and Livable Communities to support community-driven, place-based strategies aimed at reducing poverty and improving outcomes for families in distressed neighborhoods. The Senate welcomed them with applause and they withdrew from the Chamber.

Harlem Children's
Zone delegation.

The Chair (Ms. Creem) handed the gavel to Mr. Rodrigues for the purpose of an introduction. Mr. Rodrigues then introduced, in the rear of the Chamber, Eoin Prendergast and Joseph Garvin. Eoin and Joseph are visiting students and were recognized for having completed internships in the offices of Senator Brady and Senator Oliveira. They were thanked for their assistance in helping staff, observing the legislative process and supporting day to day operations. The Senate welcomed them with applause, they were presented Senate Citations on the Rostrum, and they withdrew from the Chamber.

Eoin Prendergast
and Joseph Garvin.

Communication.

Communication from the Honorable Michael O. Moore, in compliance with Massachusetts General Laws Chapter 268A (received Thursday, May 7, 2026 at four o'clock P.M.),-- **was placed on file.**

Senator Michael O.
Moore,-- Chapter
268A.

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Executive Office for Administration and Finance (pursuant to Chapter 88 of the Acts of 2024, Section 10 of Chapter 1 of the Acts of 2025, and Section 88 of Chapter 73 of the Acts of 2025) submitting its Emergency Housing Assistance Program bi-weekly report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received May 5, 2026);

A&F,-- EA Housing
bi-weekly report.
SD3893

Report of the Health Policy Commission (pursuant to Chapter 343 of the Acts of 2024) submitting its Primary Care Access, Delivery, and Payment Task Force (PCTF)'s recommendation to develop a standardized set of data and reporting requirements for primary care payments (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chair of the Joint Committee on Health Care Financing) (received May 5, 2026);

HPC,-- Primary
Care Task Force
PCP report.
SD3894

Report of MassHealth (pursuant to line item 4000-0300 of Section 2 of Chapter 140 of the Acts of 2024) submitting its Continuous Skilled Nursing 2025 report (copies having been forwarded to the Chair of the Senate Committee on Ways and Means and the Senate Chair of the Joint Committee on Health Care Financing) (received May 5, 2026);

MassHealth,--
Skilled Nursing
FY25 report.
SD3895

Report of the Office of the Comptroller (pursuant to line item 1599-2040 of Section 2B of Chapter 9 of the Acts of 2025) submitting its Prior Year Deficiencies third quarter 2026 report (a copy having been forwarded to the Chair of the Senate Committee on Ways and Means) (received May 6, 2026); and

Comptroller,--
Prior Year
Deficiencies Q3
FY26 report.
SD3896
DPH,-- Bridgewater
State Hospital
Inspection report.
SD3899

Report of the Department of Public Health (pursuant to 105 CMR 451.403) submitting the inspection report for Bridgewater State Hospital, the Plan of Correction (POC) from the facility and the POC acceptance letter from the Division of Environmental Health Regulations and Standards (EHRS) (received May 7, 2026).

Orders.

Mr. Feeney presented an Order relative to granting the committee on Financial Services until June 5, 2026, within which time to make its final report on current Senate documents numbered 766 and 837, relative to credit union matters (Senate, No. 3079);

Financial Services,--
extension order.

By the same Senator, an Order relative to granting the committee on Financial Services until June 12, 2026, within which time to make its final report on current Senate documents numbered 705, 731 and 833, relative to mortgage financing matters (Senate, No. 3080); and

Id.

By the same Senator, an Order relative to granting the committee on Financial Services until July 31, 2026, within which time to make its final report on a current Senate document numbered 688, relative to prohibiting card interchange fees on tax or gratuity (Senate, No. 3081);

Id.

Severally referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

Reports of Committees.

The following report was reported from the committee on Ways and Means on Tuesday, May 5, 2026:

By Mr. Rodrigues, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2026 for the maintenance of the departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 5501),-- ought to pass, with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 4.

General
appropriations bill.

[Direct Appropriation:\$62,459,094,416
Retained Revenue Authorization:\$836,297,541
Total:\$63,295,391,957]

Pursuant to an order previously adopted, the bill was placed in the Orders of the Day for Tuesday, May 19, 2026, for a second reading with the amendment pending.

By Mr. Feeney, for the committee on Financial Services, on Senate, No. 723, an Order relative to authorizing the joint committee on Financial Services to make an investigation and study of a certain current Senate document to strengthen the state credit union charter (Senate, No. 3078);

Financial Services,--
study.

Referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Committee Discharged.

Ms. Lovely, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Community Development and Small Businesses to make an investigation and study of certain current Senate documents relative to promote school centered neighborhood development (Senate, No. 2891), reported, on the residue, asking to be discharged from further consideration of the joint petition (accompanied by bill, Senate, No. 185) of Pavel M. Payano, Vanna Howard and John F. Keenan for legislation to promote school centered neighborhood development,-- **and recommending that the same be recommitted to the committee on Community Development and Small Businesses.**

School-centered
neighborhood
development.

Under Senate Rule 36, the report was considered forthwith and accepted.

Ms. Lovely, for the committee on Rules, to whom was referred the Senate Order relative to authorizing the joint committee on Public Service to make an investigation and study of certain current Senate documents relative to establish credible service for eligible police officers and firefighters (Senate, No. 3019), reported reported on the residue, asking to be discharged from further consideration of the joint petition (accompanied by bill, Senate, No. 2907) of Pavel M. Payano for legislation to establish credible service for eligible police officers and firefighters,-- **and recommending that the same be recommitted to the committee on Public Service.**

Credible service,--
police officers and
firefighters.

Under Senate Rule 36, the report was considered forthwith and accepted.

PAPERS FROM THE HOUSE.

A report of the committee on Public Service that the annual report of the Public Employee Retirement Administration Commission (under sections 21, 102 and 103 of Chapter 32 of the General Laws) relative to the percentum change in the average cost-of-living as shown by the United States consumer price index for the year 2025 compared with such index for the year 2024 (House, No. 52),-- reported recommending that the same be placed on file,-- came from the House accepted by that branch.

PERAC,-- cost-of-
living.

Under Senate Rule 36, the report was considered forthwith and accepted in concurrence.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 5416) of Bradley H. Jones, Jr. and Brendan P. Crighton (by vote of the town) that the town of Lynnfield be authorized to appropriate funds for certain large and long term capital projects in said town;

Lynnfield,-- fund
appropriation.

To the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 5417) of Bradley H. Jones, Jr. and Brendan P. Crighton (by vote of the town) that the town of Lynnfield be authorized to impose a local sales tax upon restaurant meals originating within said town; and

Lynnfield,--
restaurant meals tax.

Petition (accompanied by bill, House, No. 5418) of Kate Lipper-Garabedian (by vote of the town) that the town of Wakefield be authorized to establish a means tested senior citizen property tax exemption in said town;

Wakefield,-- senior
property tax.

Severally to the committee on Revenue.

A Bill relative to the charter and the town clerk in the town of Falmouth (House, No. 5412,-- on House, No. 5107) [Local approval received on House, No. 5107],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Falmouth,-- charter.

Resolutions.

The following resolutions (having been filed with the Clerk) were severally considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Rush) "congratulating Andrew Loughran on his elevation to the rank of Eagle Scout"; and

Andrew Loughran.

Resolutions (filed by Mr. Rush) "congratulating James Lynch on his elevation to the rank of Eagle Scout."

James Lynch.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Peter J. Durant, Brian M. Ashe, Jacob R. Oliveira, Joanne M. Comerford and other members of the General Court for legislation to create crumbling concrete relief for homeowners.

Homeowners,--
concrete relief.
SD3865

Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Financial Services.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of William J. Driscoll, Jr. for legislation relative to fire safety in college communities.

Colleges,-- fire
safety.
SD3860

Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Safety and Homeland Security.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of William J. Driscoll, Jr. for legislation to provide equitable access to military creditable service for judges.

Judges,-- military
creditable service.
SD3800

Senate Rule 36 was suspended, on motion of Mr. Tarr, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Severally sent to the House for concurrence.

Matters Taken out of the Notice Section of the Calendar.

There being no objection the following matters were taken out of the Notice Section of the Calendar and considered as follows:

The House Bill amending the charter of the town of Millis (House, No. 3911),-- was read a third time.

Millis,-- charter.

Pending the question on passing the bill to be engrossed, Ms. Rausch moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the text of Senate documents numbered 3013.

The amendment was adopted.

The bill, as amended, was then passed to be engrossed, in concurrence, with the amendment.

Sent to the House for concurrence in the amendment.

The House Bill to clarify the organization of the Lexington Housing Assistance Board (House, No. 4842),-- **was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

Lexington Housing
Assistance Board.

PAPERS FROM THE HOUSE.

A Bill validating certain proceedings of the town of Stow (printed in House, No. 5129,-- being a message from Her Excellency the Governor),-- was read.

Stow,-- town
meeting.

There being no objection, the rules were suspended, on motion of Mr. Tarr, and the bill was read a second time and ordered to a third reading.

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Courtney Cochran, an employee of the department of children and families (see House, No. 5245), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.

Courtney Cochran,--
sick leave.

The bill was signed by the Acting President (Mr. Brownsberger) and sent to the House for enactment.

Engrossed Bills.

The following engrossed bills (the first of which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation, to wit:

Authorizing the city of Taunton to establish a separate billing rate for water supplied to manufactured housing communities (see Senate, No. 2652); and

Providing for a town administrator in the town of Hopedale (see House, No. 4784).

Bills laid before the Governor.

Orders of the Day.

The Orders of the Day were considered as follows:

Bills

Authorizing the town of Dighton to use a portion of conservation land for public way purposes (Senate, No. 3052);

Second reading bills.

Relative to wastewater treatment and disposal in the town of Sandwich (House, No. 1073);

Relative to preliminary elections in the town of Longmeadow (House, No. 4309);

Directing the city of Boston police department to waive the maximum age requirement for police officers for Jose Reyes (House, No. 4799);

Relative to extending the timeframe within which the town of Southbridge may grant additional licenses for the sale of all alcoholic beverages to be drunk on the premises (House, No. 5096); and

Authorizing the city of Salem to grant an additional license for the sale of all alcoholic beverages to be drunk on the premises upon the return of the license authorized in chapter 67 of the acts of 2008 (House, No. 5098);

Were severally read a second time and ordered to a third reading.

Recess.

There being no objection, at a quarter past eleven o'clock A.M., the Chair (Mr. Brownsberger) declared a recess, subject to the call of the Chair; and, at sixteen minutes before one o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

There being no objection, during consideration of the Orders of the Day, the following matter was considered, as follows:

PAPER FROM THE HOUSE

Engrossed Bill.

An engrossed Bill establishing a sick leave bank for Courtney Cochran, an employee of the department of children and families (see House, No. 5245) (which originated in the House), **having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. Brownsberger) and laid before the Governor for her approbation.**

Bill laid before the Governor.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill promoting rule of law, oversight, trust and equal constitutional treatment (House, No. 5316),-- was read a second time.

PROTECT Act.

After remarks, and pending the question on adoption of the Ways and Means amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3072 and pending the main question on ordering the bill to a third reading, Messrs. Tarr and Fattman and Ms. Dooner offered an Order relative to requesting the opinions of the Honorable Justices of the Supreme Judicial Court on important questions of law relative to promoting rule of law, oversight, trust and equal constitutional treatment (Senate, No. 3083).

Mr. Tarr moved that the rules be suspended to considered the order forthwith,

After debate, the question on suspension of the rules was determined by a call of the yeas and nays at twenty-seven minutes past one o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 35) **[Yeas and Nays No. 153]:**

YEAS.

Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.

O'Connor, Patrick M.
Tarr, Bruce E. – **5.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.
Gómez, Adam

Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Velis, John C. – **35.**

The yeas and nays having been completed at twenty-six minutes before two o'clock P.M., the rules were not suspended.

Under the rules, the order (Senate, No. 3083) was referred to the committee on Rules.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Ms. Kennedy, Ms. Jehlen, Messrs. Rush, Mark and Cyr, Ms. Rausch, Mr. Crighton, Ms. Howard, Messrs. Brady and DiDomenico, Ms. Lovely, Messrs. Finegold, Montigny, Keenan, Collins, Eldridge, Gómez, O'Connor and Moore, Ms. Comerford, Ms. Edwards, Ms. Miranda and Messrs. Oliveira, Payano, Fernandes, Tarr and Velis) “commending the Consulate-General of Japan on its recognition of May 7, 2026 as Japan day and on its commitment to the long history and strong friendship between the Commonwealth of Massachusetts and Japan”;

Consulate-General
of Japan.

There being no objection, the Chair (Ms. Spilka, Ms. Kennedy and Ms. Howard) then introduced, on the Rostrum, Seeichiro Takahashi, Consul General of Japan in Boston, members of his delegation and Shinji Oyama, and read the following resolutions, as follows:

RESOLUTIONS COMMENDING THE CONSULATE-GENERAL OF JAPAN ON ITS RECOGNITION OF MAY 7, 2026 AS JAPAN DAY AND ON ITS COMMITMENT TO THE LONG HISTORY AND STRONG FRIENDSHIP BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND JAPAN.

WHEREAS, THE COMMONWEALTH OF MASSACHUSETTS AND JAPAN SHARE A RICH HISTORY OF CULTURAL INTERACTION DATING BACK TO THE MID-19TH CENTURY AND THE COMMONWEALTH AND THE CONSULATE GENERAL OF JAPAN WILL RECOGNIZE JAPAN DAY ON MAY 7, 2026; AND

WHEREAS, FIFTEEN SISTER-CITY AND STATE-PREFECTURE RELATIONSHIPS EXIST BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND JAPAN, INCLUDING BOSTON-KYOTO AND MASSACHUSETTS-HOKKAIDO, THE MASSACHUSETTS-HOKKAIDO WHICH WORK TO CONTINUE TO FOSTER THE STRONG CULTURAL AND ECONOMIC TIES BETWEEN THE COMMONWEALTH AND JAPAN; AND

WHEREAS, THE MASSACHUSETTS-JAPAN RELATIONSHIP IS FOSTERED BY MANY LOCAL EFFORTS AND ORGANIZATIONS, INCLUDING THE JAPAN SOCIETY OF BOSTON, FOUNDED IN 1904, WHICH IS THE OLDEST UNITED STATES-JAPANESE SOCIETY IN THE UNITED STATES. AND HAS SIGNIFICANTLY CONTRIBUTED TO PROMOTING CULTURAL AND ECONOMIC TIES AND FACILITATING EXCHANGES BETWEEN THE PEOPLE OF JAPAN AND OF THE UNITED STATES FOR OVER A CENTURY AND THE WHITEFIELD-MANJIRO FRIENDSHIP SOCIETY, INC., AN ORGANIZATION THAT HONORS AND PRESERVES THE STORY OF THE FIRST JAPANESE INDIVIDUAL TO LIVE IN THE UNITED STATES, MANJIRO NAKAHAMA, WHO LIVED IN FAIRHAVEN, MASSACHUSETTS FROM 1843 TO 1849; AND

WHEREAS, THE COMMONWEALTH OF MASSACHUSETTS HAS BEEN COMMITTED TO FURTHER DEEPENING AND PROMOTING CULTURAL AND PEOPLE-TO-PEOPLE TIES WITH JAPAN AS ECONOMIC AND BUSINESS TIES BETWEEN JAPAN AND MASSACHUSETTS HAVE BEEN GROWING FOR MANY YEARS, WITH 243 JAPAN-AFFILIATED COMPANIES OPERATING IN THE COMMONWEALTH, EMPLOYING APPROXIMATELY 21,700 INDIVIDUALS, MAKING JAPAN THE LARGEST FOREIGN EMPLOYER AND THE SECOND-LARGEST INVESTOR IN MASSACHUSETTS, WITH INVESTMENTS AMOUNTING TO APPROXIMATELY \$11.3 BILLION; AND

WHEREAS, JAPAN HAS BEEN THE LARGEST INVESTOR IN THE UNITED STATES FOR FIVE CONSECUTIVE YEARS, CREATING NEARLY 1 MILLION JOBS IN THE UNITED STATES AND APPROXIMATELY 14,000 JAPANESE RESIDENTS LIVE IN THE COMMONWEALTH OF MASSACHUSETTS, ACTIVELY CONTRIBUTING TO THE FIELDS OF CULTURE, SPORTS, ACADEMIA, BUSINESS, SCIENCE AND TECHNOLOGY; AND

WHEREAS, THE JAPANESE LANGUAGE SCHOOL OF GREATER BOSTON, ESTABLISHED IN 1975, CELEBRATED ITS 50TH ANNIVERSARY LAST YEAR, IS ONE OF THE LARGEST INSTITUTIONS OF ITS KIND IN THE WORLD, SERVING OVER 740 STUDENTS AND THE JAPAN FESTIVAL BOSTON HELD ANNUALLY ON THE BOSTON COMMON HAS BECOME ONE OF THE LARGEST JAPANESE

FESTIVALS IN THE UNITED STATES CELEBRATING JAPANESE CULTURE AND HERITAGE; NOW THEREFORE BE IT

RESOLVED, THAT THE MASSACHUSETTS SENATE HEREBY COMMENDS THE CONSULATE-GENERAL OF JAPAN ON ITS RECOGNITION OF MAY 7, 2026 AS JAPAN DAY AND ON ITS COMMITMENT TO THE LONG HISTORY AND STRONG FRIENDSHIP BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND JAPAN AND TO FURTHER STRENGTHENING THE MASSACHUSETTS-JAPAN RELATIONSHIP MOVING FORWARD; AND BE IT FURTHER

RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO HER EXCELLENCY, GOVERNOR MAURA HEALEY OF THE COMMONWEALTH OF MASSACHUSETTS, THE MASSACHUSETTS CONGRESSIONAL DELEGATION, THE JAPANESE CONSULATE -GENERAL IN BOSTON AND THE PRIME MINISTER OF JAPAN.

Recess.

At sixteen minutes before two o'clock P.M., at the request of Mr. Tarr, for the purpose of a minority caucus, the Chair (Mr. Brownsberger) declared a recess; and, at twenty-four minutes past two o'clock P.M., the Senate reassembled, Mr. Brownsberger in the Chair.

Recess.

Orders of the Day.

The House Bill promoting rule of law, oversight, trust and equal constitutional treatment (House, No. 5316),-- was further considered, the main question being on ordering the bill to a third reading.

PROTECT Act.

Remarks of Senator Pavel M. Payano.

I rise today in support of S.3072, an Act Promoting the Rule of Law, Oversight, Trust, and Equal Constitutional Treatment, the PROTECT Act.

Remarks of Senator
Pavel M. Payano.

I want to begin by thanking the Senate President, who ensured that issues of immigration remain a priority in this body. I want to thank the Senator from Arlington for her leadership throughout this process, the members of the Committee on Steering and Policy, the Massachusetts Black and Latino Legislative Caucus, the Senate Members of Color, the gentlelady from Boston, the gentleman from Springfield, and the gentlelady from Lowell.

I want to thank all the advocates, legal experts, and community leaders who helped shape this legislation throughout months of difficult but necessary conversations. It truly took a village.

This bill is about something bigger than politics. It is about dignity. It is about whether people in the Commonwealth can live their lives without fear that the institutions meant to serve them will instead be used against them.

This bill is about restoring trust, but more than that, it is about ensuring that truth, justice, liberty, and humanity will ultimately prevail in the Commonwealth and in this nation that we love and call home. Those are not my words. They are the words of Frederick Douglass, written above us in these hallowed chambers. And today, we are being called to live up to them.

Today, this Senate has an opportunity to say clearly to immigrant families across Massachusetts: we see you, we value you, and we will stand with you.

As I look around this chamber at my colleagues, I know many of you are seeing those families too. You are seeing people like my father, Pedro Payano, who like many

Dominicans of his generation, came to this country in the 1960s along with his brother after a U.S.-backed regime placed them on a list of people to be detained. How history repeats.

He came here searching for freedom and opportunity, and he paid that back to his country by serving the children of Lawrence as a teacher for more than twenty-five years. To this day, many in my community still call him The Professor.

You are seeing people like my uncle, Julio Payano, who when his number was called during the draft, did not run from his responsibility. He answered the call. He served this nation in uniform with courage, leadership, and pride.

Those are the stories behind this debate, stories of sacrifice, stories of service, stories of people who give more to this country than they ever ask from it. And today, through this legislation, we have an opportunity to honor those stories and protect the generations still writing them.

My parents came to Lawrence with very little. Like so many immigrant families, they arrived with hope, with faith, and with a willingness to work. They gave everything they had to their community. That same story is being lived right now across cities throughout our Commonwealth.

The people at the center of this debate are not statistics. They are our neighbors, teachers, nurses, laborers, small business owners, and parents trying to build a better life for their children. They are part of the fabric of Massachusetts, and yet over more than a year, we have seen fear spread throughout communities that have spent generations helping build this state.

We have seen aggressive civil immigration enforcement carried out without transparency, without accountability, and in too many cases, without respect for basic constitutional principles. Families have lived in fear of sending their children to school. People have avoided hospitals. Workers have wondered whether simply showing up to their jobs could separate them from their loved ones. That is not the kind of Commonwealth we should accept.

Dr. Martin Luther King Jr. once said, "Injustice anywhere is a threat to justice everywhere." Those words matter today because when people lose faith that the law will protect them equally, trust in every institution begins to erode. This bill is about restoring that trust.

It establishes clear boundaries between state resources and federal civil immigration enforcement. It prevents new 287(g) agreements that would turn local law enforcement into federal immigration agents. It prohibits arrests or investigations based solely on perceived immigration status. It prevents the transfer of individuals into immigration custody without a judicial warrant or court order. It protects sensitive locations, schools, hospitals, courthouses, and places of worship- so that people can live their lives without intimidation or fear. And for the first time, it creates a meaningful avenue for Massachusetts residents to seek justice when their constitutional rights are violated by federal actors acting under the color of law.

This legislation also recognizes that immigrants who are victims of crime deserve protection, not bureaucratic indifference. By providing access to U and T visas, we are helping survivors seek safety and accountability rather than silence. By requiring notice before I-9 audits, we are ensuring working people have a fair opportunity to gather documents and protect their livelihoods. These are practical protections rooted in fairness, in due process, and in basic humanity.

As a Senator from Lawrence, a city proudly known as the Immigrant City, this fight is deeply personal to me. I know the people impacted by these policies. They are not strangers to me. They are my community. They are my family. They are the people I grew up with, people who believed in Massachusetts even when Massachusetts might not have believed in them.

Today, we have a responsibility not only to pass legislation, but to send a message, a message that in Massachusetts, we do not govern through fear. We do not divide neighbor against neighbor. We do not allow people's humanity to be erased for political convenience. We choose dignity. We choose fairness. We choose the rule of law.

This bill is not the end of the work ahead of us. But today, Massachusetts has the opportunity to make clear where we stand and who we stand with.

I respectfully ask for your support on the PROTECT Act. Thank you.

Remarks of Senator Lydia Edwards.

I rise to stand in support of this bill. But before I go into the reasons why, the constitutional reasons why this bill should pass, I just wanted to again acknowledge and say, thank you to the Senate president, to the good lady from Arlington and to my brother from Lawrence.

Remarks of Senator
Lydia Edwards.

I cannot help but say that working with all of them and meeting them where they are and learning. So much about their history and what they have done in their communities.

And I'm inspired by them. I also want to give a huge thank you to the senator from Acton. This senator is my friend and has been an incredible stalwart beacon and fighter for immigrants for well over a decade – Before it was popular before we were looking at ICE coming onto the TVS and doing all sorts of activities. This senator was fighting the good fight and was that beacon of hope to so many immigrants in the Commonwealth.

And to those immigrants of the Commonwealth I see you. I value you. I love you. I've learned from you. And I will continue to fight with you. The organizations that are countless, countless to name, the generations of people I have seen work in every single one of those organizations. To see the youth, the multigenerational and the constant push and push for us to be the best Commonwealth that we can be. You know, it reminds me of the call that we had in the 1700s by a black woman named Elizabeth Freeman. She was a slave. And this state said All shall be equal and born free.

And we were proud of ourselves for doing that. As a Commonwealth, we were doing it even before the United States. We were coming up with a Constitution, an ideal written down, you shall be born free and equal here. And she said, well, I'm a slave. And she held up a mirror to this Commonwealth and said, well, these words here don't match the reality here.

It was an amazing feat that she won because she went to court and said you need to uphold your word. You need to be that what you wrote down your promises, you need to meet them. Now we look almost 200 years later, and who is holding up the mirror now? Immigrants. You were holding up the mirror to again remind us hey,

Do you believe in due process?

Do you believe in equality? Do you believe in access to the courts? Immigrants consistently throughout this nation in courtroom, after courtroom on street on protest are reminding us again and again, what it means to be American, what it means to be constitutional, what it means to be free.

It is a reminder, honestly, to many of us that without immigrants, we do not have a United States of America. This PROTECT Act is about those promises from the Massachusetts Commonwealth, to all of us, regardless of where you're born. And I say this as an attorney in the United States Army. And it's important because I'm inspired by what my brother from Lawrence mentioned.

And that is the amount of immigrants who are serving our nation right now. And sad to say the amount of immigrants when I have received them when they've come home and the first thing that this person is dealing with is whether their spouse is being deported.

So while serving and defending this nation abroad, the very same nation is trying to remove their family. This is the reality we're dealing with. This is the moment that we have been called to meet.

I say this also proudly as the senator from the third Suffolk that includes East Boston, Revere, Winthrop and many parts of downtown Boston, including the north end West End back Bay, Beacon hill. East Boston second only to Ellis Island for the amount of immigrants that came into this country? We make Americans in east Boston.

They came in so many droves in so many generations, from orthodox Jews to the Irish to Italians, to central Americans to north Africans. We have always been the place and the port of refuge for new Americans. And I say that, because those grandchildren or great-grandchildren of those new Americans, those new Americans who've come just decades ago, helped to send me to be the first woman and the first person of color to represent the third Suffolk.

And they didn't send me to do that, to do small things. They sent me to do that to do bold things in their name. In recognizing their history and their struggle. So this is my response to them. My love letter to the immigrant community in this PROTECT act. I want to be clear that this isn't just performative. This is real, the rights in this PROTECT act, protect all of us.

By the way. Again we're holding up a mirror saying we believe in due process. We believe that if you do something wrong in this common mode, you should be held accountable.

Nothing about this stops that. But we also want to make sure that you're just not stopped on the street because you're brown and you have an accent. We also want to make sure that if you need to walk into court – because you are a victim or because you are being held accountable – you don't have to worry about ICE picking you up in the middle of trial What we're trying to say is we cannot function with a federal government that is so dysfunctional right now.

And to my colleague from Gloucester, who wanted to bring up constitutional questions and the thoughts about what we should be doing now is or isn't constitutional, or is or isn't recognized? I want to just go ahead and direct his attention to the United States vs the State of New York.

In November 2025 The Trump administration had sued the State of New York, saying that they protect our courts act POCA or “poca”, and executive orders that protected the courts and prevented state resources from being commandeered by the federal government that that act was constitutional. That was after they were sued by President Trump. So the courts have assessed this and I just want to be clear about our Constitution.

And a quote from that court, our court first settled federalism, principles and the 10th amendment generally empowers states to control the use of their own facilities, manage their internal affairs and direct the control of their officials without federal interference, that is constitutional. This is not about immigrants. This is not about controlling immigrants.

This is not about saying where who and what they can do. This is about how Massachusetts and its localities can interact with the federal government. That is what we're trying to do – determine that relationship, that constitutional relationship, and in that constitutional relationship, it is very clear, according to that court case that cites everything back to English common law.

That the state's right to manage its judicial systems for the decision of legal controversies is a core feature of its inherent sovereignty.

It is also important that this first circuit here also held that the operation of a functioning Judiciary is unmistakably – a fundamental exercise of state sovereignty. Today we as a state and Commonwealth are defining our relationship with this particular federal entity. We are

not saying that we do not want people arrested, but we are defining how the federal government shall come into certain, very sacred places.

We're doing what we have been sent to do. We are doing our job and our duty and we are answering the question from our immigrant brothers and sisters, from many of our young constituents from many people who wake up every day, wondering what on earth is gonna come out today from DC. We are answering the question: What are you gonna do?

And we're saying today: everything that we can that is constitutional. I'm proud to stand on the side, the right side of history and the constitutional side of history and making sure that the 10th amendment stays firm and strong in our state's rights and my constituents know that we are meeting this moment. Thank you very much.

Remarks of Senator Liz Miranda.

Madam President,

I rise today in strong support of the bill before us, the PROTECT Act, and I want to begin by thanking the Senate's Policy and Steering Committee, the gentlelady from Arlington, the gentleman from Lawrence, and our Senate President for the work they have done to bring this legislation forward.

We are also appreciative of the leadership of the committee members. Gentleman from Acton who has filed the Safe Communities Act alongside me for nearly 8 years...the Massachusetts Black and Latino Legislative Caucus in helping move this legislation forward at a moment when immigrant communities across our Commonwealth are living with fear and uncertainty and we simply cannot wait another day to act.

As the Vice Chair of the Black and Latino Caucus, I also want to take a moment to thank each of the 26 members of our caucus who have led with conviction, urgency, and moral clarity on behalf of their districts in moving this legislation forward.

Our caucus has consistently centered the voices of immigrant families, Black and brown communities, mixed-status households, workers, students, and advocates who are too often left vulnerable by systems that fail to protect them.

And I am proud that the Black and Latino Caucus helped push this conversation forward in a meaningful way, ensuring that this bill reflects the realities our communities are facing every single day. I am proud to be the State Senator of Massachusetts's Second Suffolk District- the home of many immigrant communities from Ireland, Italy, Dominican Republic, Puerto Rico, Haiti, China, Morocco, Jamaica, Nigeria, Ghana, and dozens of other countries. We are a city that speaks over 100 languages!

This is a significant moment for Massachusetts, and for many of us, this issue is deeply personal.

My family has lived through this. My birth father Miguel was deported. My brother Arthur was deported as I walked onto the campus of Wellesley College. Countless cousins, friends, neighbors and an entire generation of Black and Brown young men and women in the late 90s and early 2000s and it is STILL happening today.

I know what it means to have your family torn apart by immigration enforcement. I know what it feels like to watch entire communities carry that trauma and fear. I know what it feels like to watch communities slowly become erased.

I represent a community rich with immigrants from across the world. As a first-generation Cabo Verdean American, as a proud Kriola, a proud Africana, proud great granddaughter of Marcelino Miranda who worked on cranberry bogs in Scituate, granddaughter of my papa, who laundered hospital linen for decades in over 100 degree factory for City Hospital, the daughter of a teen immigrant woman Maria Miranda who has worked for 40 plus years in the back of Boston hotels serving hundreds of thousands of guests with other immigrants from around the world- proud to be the first Cabo Verdean to serve in this

Remarks of Senator
Liz Miranda.

chamber, and only the fourth Black woman elected to the Massachusetts Senate, I carry those stories, their stories and experiences with me every single day.

And the reality is that many of our immigrant families came here legally. They came on visas. They followed the rules. They worked, paid taxes, raised families, contributed to our communities, and desperately wanted to naturalize and become citizens.

But Congress failed them.

Congress failed to create a functioning pathway for people to do it the right way.

Many of the people now being detained by ICE are individuals who have lived here for years, sometimes decades. Many came here as children. They have no meaningful connection to their ancestral homeland because their home is here.

These are the people being detained.

These are the people being deported.

Working people. Parents. Young people. Community members who have built their entire lives in Massachusetts.

And for nearly ten years, I have partnered with immigrant communities, immigrant workers, nurses, CNAs, PCAs, advocates, faith leaders, and constituents across this Commonwealth to push for strong, comprehensive immigrant protections.

That work has always had the same goal: ensuring our communities can live with dignity and without fear that every interaction with government systems could lead to detention, separation, or deportation.

If it were not for years of advocacy, organizing, and persistence from communities across Massachusetts, we would not be here today.

And I want to share the story of Pedro.

Pedro is 21 years old. A young Brazilian man who grew up here in Massachusetts. He was detained by ICE over unpaid parking tickets.

The conditions in the holding facility were so horrific, so dehumanizing, that Pedro ultimately signed voluntary deportation papers simply to escape those conditions.

Think about that.

A young man signed away his own right to fight his deportation in court because the conditions were so unbearable.

And now he is gone.

He is in Brazil without family, without friends, without a support system, without resources.

He grew up here.

Everything he knows is here. His community is here in Somerville and Boston.

But he is gone, and he cannot come back.

That is what is happening to our communities.

The PROTECT Act establishes crucial guardrails to protect our communities from ICE overreach and ensure Massachusetts resources are focused on public safety, not federal civil immigration enforcement.

The bill bans new 287(g) agreements so local law enforcement is not deputized into federal immigration enforcement operations.

It prohibits law enforcement from asking about immigration status and limits cooperation between local agencies and ICE.

It prohibits holding individuals solely on ICE detainers, transporting people into ICE custody without judicial authorization, and using local resources to facilitate civil immigration enforcement.

The bill also establishes protections for sensitive locations including schools, hospitals, childcare centers, courthouses, and places of worship because people should never have to choose between healthcare, education, worship, due process, and the fear of detention.

It protects children and families by allowing parents facing immigration actions to designate temporary guardians for their children during moments of crisis.

And it strengthens protections for immigrant survivors applying for U and T visas by requiring timely responses, objective standards, and prohibiting retaliation based on immigration status.

I also want to recognize that in many places, the bill before us today goes further and creates stronger protections than prior proposals.

It creates a categorical prohibition on asking about immigration status.

It strengthens restrictions on information sharing that can facilitate immigration enforcement.

It takes a broader and stronger approach to limiting participation in civil immigration enforcement operations by state and local actors.

And importantly, it creates enforcement mechanisms that help ensure these protections exist not only on paper, but in practice.

That matters.

Because communities across Massachusetts have been asking us a simple question: when federal immigration policy becomes cruel and inhumane, what will Massachusetts do?

Today, we are answering that question.

We are saying that Massachusetts will not use its local resources to participate in tearing families apart.

We are saying that people should be able to seek healthcare, report crimes, worship freely, take their children to school, and go to court without fear.

We are saying that dignity and due process still matter.

Later today, I will speak on amendments I believe further strengthen protections within healthcare settings and for healthcare workers, but I do not want that conversation to overshadow the importance of the legislation before us now.

This is an important step forward for immigrant communities across the Commonwealth, and I am proud to support it.

Remarks of Senator Adam Gomez.

Thank you, Mr. President.

I rise today—through you, to the members—in strong and unwavering support of the base bill before us. The PROTECT Act is more than a piece of legislation; it is a declaration of who we are as a Commonwealth and who we aspire to be. It reflects the values that unite our communities across Massachusetts—*desde los Berkshires hasta Boston*—fairness, dignity, and equal protection under the law. This bill ensures that no matter where you live, no matter your background, your access to essential public institutions is safeguarded.

In Springfield, and truly throughout the Commonwealth, we understand something fundamental: our schools, our churches, our health centers, and our courthouses are not merely structures. They are lifelines. They are where our children grow, where our elders heal, where victims of crime find justice, and where families gather in moments of need and vulnerability.

The PROTECT Act protects that dignity by prohibiting civil immigration arrests in sensitive locations—such as childcare centers, schools, health care facilities, courthouses, and houses of worship—without a proper judicial warrant. That is not only good policy; it is a moral imperative.

Our families deserve to live without the constant, gnawing fear that dropping a child at school or going to a doctor's appointment could lead to separation. And our law enforcement officers—dedicated public servants—deserve clear guidance so they can focus on what they do best: protecting our communities, building relationships, and preventing real crime. This

Remarks of Senator
Adam Gomez.

bill provides that clarity by limiting state and local involvement in federal civil immigration enforcement and barring officers from stopping, questioning, or detaining individuals solely because of their immigration status or the color of their skin. It allows police to keep doing their jobs effectively, while rebuilding trust with the people they serve.

And trust matters—especially in a city like Springfield. We know that when residents are afraid to report crimes, speak to officers, or seek help, the entire community becomes less safe. The PROTECT Act strengthens that trust. It sends a clear and powerful message: *Aquí, en Massachusetts, se puede buscar justicia sin miedo*. Here, you can access services without fear. Here, you can participate fully in civic life knowing that your rights matter.

The bill also stands firmly with victims of crime—including those who have survived human trafficking—by creating a fair, timely, statewide process for U and T visa certifications. Survivors deserve a system that supports them when they come forward, that allows them to cooperate with law enforcement, and that helps them rebuild their lives with safety and dignity. *Nadie merece sufrir en silencio*. This bill makes sure they don't have to.

It also takes care of families in moments of crisis by allowing parents facing detention or deportation to establish guardianship plans for their children, ensuring no child is left without support or stability. And by requiring employers to notify workers when ICE requests employment records, it protects employees from intimidation and fear-based retaliation.

Let's be clear: these protections do not belong to any single region or community—they will benefit residents everywhere. From the Pittsfield to the heart of Chelsea, to the neighborhoods of Springfield and Chicopee that I proudly represent, every resident deserves to know that their constitutional rights are respected and that their humanity is acknowledged. The PROTECT Act makes that promise real.

Colleagues, the PROTECT Act is thoughtful, comprehensive, and deeply aligned with the fundamental values of this Commonwealth. It strengthens our institutions, protects our most vulnerable, and reinforces our unwavering commitment to justice for all. It reminds us that our work here has real consequences for the families who trust us to safeguard their rights, their dignity, and their futures.

I also want to take a moment to express my sincere gratitude. To my dear friend and colleague, the gentleman from Lawrence—thank you for your steadfast dedication to defending the rights of our constituents and for your tireless advocacy on behalf of those who too often feel unseen. To the members of the Steering and Policy Committee, thank you for your diligence, thoughtfulness, and unwavering commitment throughout this process. And of course, to our Senate President and our Chair of Ways and Means—your leadership and commitment have ensured that the legislation before us reflects the very best of who we are as a Commonwealth.

I urge you to join me in supporting this bill so that Massachusetts continues to be a place where every family—from North Adams to Fall River—can live without fear and with full confidence in the protection of the law.

Gracias. Thank you.

Remarks of Senator Vanna Howard.

Thank you, Mr. President, and through you to the members.

I want to thank the Senate President for your leadership, Chair of Senate Ways and Means, esteemed members of the Committee on Steering and Policy, members of the Black and Latino Legislative Caucus, the Senate Staff, all the advocacy groups, members of labor, members of law enforcement, and all of my colleagues who have worked diligently to bring this legislation forward today.

Remarks of Senator
Vanna Howard.

I rise in STRONG support of S.3072, the PROTECT Act. This is not merely a piece of legislation; it is a shield for the vulnerable and a stand against the weaponization of federal immigration enforcement.

Today, we stand at a defining crossroads. We are taking a historic step to shield our immigrant communities -- the burden falls on us. It is time to ensure Massachusetts is a true safe harbor—a Commonwealth where all residents can engage with courts and report crimes without the paralyzing fear of deportation.

I speak to you today as an immigrant. I speak to you today as a refugee. At 11 years old, I came to this country as a refugee fleeing the communist Khmer Rouge regime in Cambodia. I lost my father, my grandparents, and three younger siblings before my 9th birthday.

I also speak to you today as someone who spent over a decade working in law enforcement; in the Middlesex and Suffolk County District Attorney's offices I worked along dedicated public servants committed to the rule of law. I know true justice is built on fairness and trust, not intimidation. There is no justice, there is no rule of law, without due process. In the office of Congresswoman Niki Tsongas, I worked directly with the men and women in multiple federal agencies who respected the rule of law and for them due process was the standard. The focus was on protecting our community -- not seeking to remove anybody and everybody -- including refugees seeking safety or families seeking opportunity.

But of course, I speak to you not just as a former staffer working in law enforcement, but as a survivor of state terror. When I was eight years old, I witnessed my father—a police officer— torn away in front of a crowd to be killed; I watched a regime that operated without warrants, without law, and without humanity. I watched, helpless, as starvation and sickness stole my three younger siblings before they turned five, with no doctors or medicine to save them. I watched my grandparents fade away from hunger and sickness. My mother and I were forced to hide our grief, terrified that mourning our loved ones would sign our death warrants. I watched my country descend into a dark abyss, where 2 million people were slaughtered by a government demanding total submission.

As a survivor of genocide, the trauma is being reignited by what we are witnessing today. It is becoming harder to trust our neighbors. The country that gave me refuge is beginning to resemble the one I fled.

I know this pain. In the City of Lowell, we are living this nightmare. We are witnessing families terrified to send their children to school. We see people afraid to go to work, to enter their places of worship, and—most devastatingly—people are too terrified to call the police when they are victims of violent crime.

In this Commonwealth, I see immigrants who now feel forced to carry proof of citizenship everywhere they go. I am one of them. I no longer leave my home without my passport, in addition to my state house ID and my Massachusetts Driver's License.

As dark as these times may seem, here in the cradle of liberty, this Commonwealth is holding a candle to light the way forward.

The PROTECT Act is that light.

It tells a mother she can send her child to school without anxiety.

It tells a survivor of domestic violence she can walk into a police station and trust that the perpetrator, not she, will be behind bars.

It tells a father working to feed his family he does not need to fear deportation simply because his taillight is out.

This bill ends 287(g) agreements, refocuses local police on local safety, and ensures that families are not torn apart without a plan for their children.

Madam President, this is our moment to choose law over terror, and community over fear. I urge my colleagues to vote Yes on this consequential legislation.

On motion of Ms. Friedman, the above remarks were ordered printed in the Journal of the Senate.

Ms. Kennedy, Messrs. Eldridge and Mark, Ms. Jehlen, Mr. Keenan, Ms. Howard, Messrs. Driscoll and Moore, Ms. Edwards and Ms. Rausch moved that the proposed new text be amended by striking out section 6 and inserting in place thereof the following section:-

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

Section 249. (a) For the purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

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

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

‘Judicial warrant or judicial order’, an arrest warrant or other judicial order, issued by a judge or magistrate sitting in the judicial branch of a local or state government or of the federal government, authorizing an arrest.

(b) Except as required by state or federal law or as required for the commonwealth or any of its subdivisions to administer a state or federally supported or funded program, arrests for civil law enforcement shall not be permitted in areas designated by covered care providers as a nonpublic area without judicial warrant or judicial order.

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

(d) The department of public health, the department of developmental services and the department of mental health, in consultation with the attorney general and organizations

representing staff at the covered care provider facilities, shall prepare and publish on its website a model policies consistent with the requirements of this section.

(e) Nothing in this section shall be interpreted to limit or interfere with the ability of a covered care provider to provide medical care to a patient or detainee in the custody of an agency primarily charged with civil law enforcement; provided, however, that, where applicable, covered care providers and their medical staff shall have the exclusive authority to recommend treatment options to patients and detainees and provide treatment to them.

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

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

After remarks, the amendment was adopted.

Mr. Gómez, Ms. Edwards and Ms. Jehlen moved that the proposed new text be amended in section 20, by striking out the number “180” and inserting in place thereof the following number:- “30”.

After remarks, the amendment was adopted.

Mr. Eldridge, Ms. Miranda, Ms. Howard, Ms. Jehlen and Messrs. Gómez and Montigny moved that the proposed new text be amended by striking out section 15 and inserting in place thereof the following section:-

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

Chapter 258F

CERTIFICATION FOR VICTIMS OF CRIMINAL ACTIVITY AND HUMAN TRAFFICKING

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

‘Applicant’s representative’, a person authorized by the applicant to aid the applicant in obtaining certification from a certifying entity, including, but not limited to, an attorney, a law student, a paralegal, legal assistant or other person.

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

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

‘Qualifying criminal activity’, (i) criminal activity described in 8 U.S.C. § 1101(a)(15)(U)(iii) and severe forms of trafficking in persons described in 8 U.S.C. § 1101(a)(15)(T); and (ii) any offense under the laws of the commonwealth or a political subdivision thereof that is substantially similar.

Section 2. A certifying entity may certify a request of a victim of qualifying criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(T), pursuant to this chapter. For purposes of determining whether a person is a victim of qualifying criminal activity for certification, a certifying entity shall not require the filing of criminal charges or a conviction. For

purposes of certification decisions under this chapter, allegations of wage theft, workplace safety violations, housing violations or labor exploitation accompanied by threats of deportation, intimidation or retaliation may constitute qualifying criminal activity where the alleged conduct is reasonably consistent with extortion, coercion, involuntary servitude, peonage, obstruction of justice, witness intimidation, trafficking of persons for forced servitude or other substantially similar offenses under state or federal law.

Section 3. Each certifying entity shall adopt, publish and maintain a written certification policy consistent with this chapter and the regulations promulgated pursuant to section 6. The policy shall include, but shall not be limited to: (i) identification of a designated certifying official within the certifying entity and an alternate; (ii) a description of how requests may be submitted, which shall include, but not be limited to, by email, fax, hand delivery, mail, messenger or delivery service by the applicant or the applicant's representative authorized by the applicant; (iii) objective criteria used to assess whether a person is a victim who meets the requirements for helpfulness consistent with federal certification forms; (iv) a prohibition of consideration of the applicant's immigration admissibility or eligibility beyond the determinations required by the federal certification form; (v) a prohibition of any fee; and (vi) a description of the certifying entity's internal review process for denials.

Section 4. (a) A certifying entity shall respond to a certification request from a victim of qualifying criminal activity who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(T) not later than 30 days after receiving such request; provided, however, that if extraordinary circumstances outside of the certifying entity's control prevent the certifying entity from responding within 30 days after receiving the request, the certifying entity shall provide a written explanation of the delay to the applicant, or the applicant's representative, which shall include a projected response date.

(b) The certifying entity shall respond not later than 10 business after receipt of the request if the applicant, or the applicant's representative, certifies that the applicant: (i) is in federal removal proceedings or (ii) has a scheduled immigration court hearing within 45 days or has a derivative beneficiary as described in 8 U.S.C. § 1101(a)(15)(T)(ii)(III) who will age out within 45 days, or (iii) requires a certification decision to support a request to stay removal or to support a habeas petition; provided, however, that if extraordinary circumstances outside of the certifying entity's control prevent the certifying entity from responding within 10 business days after receiving the request, the certifying entity shall provide a written explanation of the delay to the applicant or the applicant's representative, which shall include a projected response date.

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

Section 5. (a) A certifying entity shall establish a rebuttable presumption of helpfulness for any victim who timely reports qualifying criminal activity and is willing to be helpful or provide information in a manner reasonably requested by the certifying entity. A certifying entity shall not deny a request solely because: (i) no arrest was made; (ii) the case was closed; (iii) the victim has a criminal record unrelated to the qualifying criminal activity; or (iv) the victim chose to exercise constitutional rights.

(b) No state or local employee shall report or threaten to report an individual to federal immigration authorities in retaliation for seeking certification, reporting a crime,

participating in an investigation, filing a labor or civil rights complaint or cooperating with a proceeding.

Section 6. (a) The secretary of public safety and security, in consultation with the attorney general, may promulgate regulations to implement this chapter, including, but not limited to: (i) minimum standards for internal review processes, training and data reporting under this chapter; (ii) allowing any executive branch agency or its political subdivision to facilitate the submission of an application for certification pursuant to this chapter; (iii) minimum standards for internal review processes and applicant requirements pursuant to section 4; or (iv) standards to serve as an applicant's representative.

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

Section 7. The attorney general may file a complaint against a certifying entity for declaratory, injunctive and other equitable relief to compel compliance or prevent violations of this chapter.

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

The amendment was *rejected*.

Mr. Gómez, Ms. Edwards, Mr. Eldridge and Ms. Jehlen moved that the proposed new text be amended by striking out section 2 and inserting in place thereof the following section:-

“SECTION 2. Chapter 15D of the General Laws is hereby amended by adding the following section:-

Section 23. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

‘Civil law enforcement’, efforts to investigate, enforce or assist in the investigation or enforcement of civil law, including, but not limited to, any federal civil immigration law.

‘Judicial warrant or judicial order’, an arrest warrant or other judicial order signed by a judge or magistrate sitting in the judicial branch of a local or state government or of the federal government, authorizing an arrest.

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

(b) Except as required by state or federal law or as required for the commonwealth or any of its subdivisions to administer a state or federally-supported or funded program, arrests for civil law enforcement shall not be permitted on the premises of a licensed or department-funded child care center, family child care home, school-aged child care program or group care facility without a valid judicial warrant or judicial order.

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

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aged child care program to follow when responding to requests relating to civil law enforcement.

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

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

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

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

After remarks, the amendment was adopted.

Mr. Lewis moved that the proposed new text be amended by inserting the following section after section 11:-

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“SECTION 11A. chapter 190B is amended by inserting the following new section after section 5-507:- section 5-508. (a) The statutory form of short form power of attorney may be used in the creation of a power of attorney; and when used and created, shall be construed in accordance with the provisions of this chapter.

(b) The statutory short form power of attorney is as follows:

SHORT FORM POWER OF ATTORNEY

WARNING TO PERSON EXECUTING THIS DOCUMENT

This is an important legal document which is authorized by the general laws of this state. The powers granted by this document are broad and sweeping.

The use of the short form power of attorney is strictly voluntary. The use of any other or different form of power of attorney upon mutual agreement of the parties concerned shall be permitted.

This document is intended to constitute a GENERAL POWER OF ATTORNEY pursuant to the Massachusetts Short Form Power of Attorney Act:

That I _____ (insert name and address of the principal) do hereby appoint _____ (insert name and address of the agent, or each agent, if more than one is designated) my attorney(s)-in-fact to act _____.

(If one agent is named, insert in this blank the word “solely.” If more than one agent is designated and the principal wishes each agent alone to be able to exercise the power conferred, insert in this blank the word “severally”. Failure to make any insertion or the insertion of the word “jointly” shall require the agents to act jointly.)

First: In my name, place and stead in any way which I myself could do, if I were personally present, with respect to the following matters to the extent that I am permitted by law to act through an agent:

(STRIKE OUT AND INITIAL ON THE OPPOSITE LINE ANY ONE OR MORE OF THE SUBDIVISIONS AS TO WHICH THE PRINCIPAL DOES NOT DESIRE TO GIVE

THE AGENT AUTHORITY. SUCH ELIMINATION OF ANY ONE OR MORE OF SUBDIVISIONS (A) TO (I), INCLUSIVE, SHALL AUTOMATICALLY CONSTITUTE AN ELIMINATION ALSO OF SUBDIVISION (J).

To strike out any subdivision the principal must draw a line through the text of that subdivision AND write his initials in the line opposite.

INITIAL HERE

- (A) real state transactions;
- (B) chattel and goods transactions;
- (C) bond, share and commodity transactions;
- (D) banking transactions;
- (E) business operating transactions;
- (F) insurance transactions;
- (G) claims and litigations;
- (H) benefits from military service;
- (I) records, reports and statements;
- (J) all other matters;

(K) Each of the matters identified above. (You need not initial the other lines if you initial line (K)).

Second: This power of attorney shall:

- (A) not be affected by my subsequent disability or incapacity, or lapse of or
- (B) terminate on the following date, _____, unless otherwise terminated by revocation, destruction or other affirmative action.

Third: Hereby ratifying and confirming all that said attorney(s) or substitute(s) do or cause to be done.

In witness whereof I have hereunto signed my name and affixed my seal this _____ day of _____ 20_____.

(Signature of Principal) (Seal)

(ACKNOWLEDGEMENT)

This power of attorney shall not be affected by the subsequent incompetency of the donor.

In witness whereof I have hereunto signed my name and affixed my seal this _____ day of _____ 20_____.

(Signature of Principal) (Seal)

(ACKNOWLEDGEMENT)

(c) The execution of this statutory short form power of attorney shall be duly acknowledged by the principal in the manner prescribed for the acknowledgement of a conveyance of real property.

(d) No provision of this chapter shall be construed to bar the use of any other or different form of power of attorney desired by the parties concerned.

(e) Every statutory short form power of attorney shall contain, in bold face type or a reasonable equivalent of it, the "Notice" at the beginning of this section.

(f) A power of attorney is a "statutory short form power of attorney," as this phrase is used in this chapter, when it is in writing, has been duly acknowledged by the principal and contains the exact wording of clause First set forth in subsection (a) of this section, except that any one or more of subdivisions (A) to (K) of the form may be stricken out and initialed by the principal, in which case the subdivisions stricken out and initialed and also subdivision (J) of the form shall be deemed eliminated. A statutory short form power of attorney may contain modifications that supplement or eliminate the enumerated powers, or that make

some additional provision that is consistent with the other provisions of the statutory short form; all modifications shall be set forth in subdivisions (A) to (K).

(g) If more than one agent is designated by the principal, the agents, in the exercise of the powers conferred, shall act jointly unless the principal specifically provides in the statutory short form power of attorney that they are to act severally.”.

The amendment was *rejected*.

Mr. Keenan and Ms. Jehlen moved that the proposed new text be amended by inserting, in section 2, in line 41, after the words “civil law enforcement”, the following clause:- “; (iii) procedures for notifying local law enforcement of civil law enforcement by law enforcement agents employed, contracted, engaged by or acting on behalf of federal law agencies”; and by striking, in line 42, the figure “iii”, and inserting in place thereof the following figure:- “iv”.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended in line 327 to 328 by striking out the words “an employer shall provide written notice to each employee of any such request” and inserting in place thereof the following words:- “an employer shall provide written notice in hand to each employee working on the premises and telephonically or by email to each employee who is not reasonably anticipated to be on the premises within 48 hours after an employer receives notice of inspection”.

The amendment was *rejected*.

Messrs. Keenan and Eldridge and Ms. Jehlen moved that the proposed new text be amended by inserting, in subsection 2(d), in line 52, after the second sentence of said subsection, the following sentence:- “Said policies and said training shall be provided in multiple languages, including, but not limited to Spanish, Portuguese, Mandarin, Cantonese, Haitian Creole and other spoken languages in the commonwealth.”; and, by inserting, in subsection 6(d), in line 184, after the first sentence of said subsection, the following sentence:- “Said policies shall be provided in multiple languages, including, but not limited to Spanish, Portuguese, Mandarin, Cantonese, Haitian Creole and other spoken languages in the commonwealth.”.

The amendment was *rejected*.

Mr. Keenan moved that the proposed new text be amended by inserting, in line 256, after the word “charge”, the following words:- “in accordance with written departmental policies and procedures”; and by inserting in line 258, after the word “writing”, the following words:- “as being in accordance with written departmental policies and procedures”.

The amendment was *rejected*.

Mr. Keenan, Ms. Edwards, Ms. Miranda, Mr. Eldridge and Ms. Jehlen moved that the proposed new text be amended by inserting, in line 457, after the first sentence, the following sentence:- “A person shall be privileged from civil arrest during a funeral or burial service.”.

The amendment was *rejected*.

Mr. Keenan, Ms. Rausch and Ms. Edwards moved that the proposed new text be amended by striking, in lines 456-457, the words “during a religious service”.

The amendment was *rejected*.

Mr. Keenan, Ms. Edwards and Mr. Eldridge moved that the proposed new text be amended by inserting after section XX, the following section:-

“SECTION XX. Chapter 45 of the General Laws is hereby amended by inserting after section 25 the following section:-

Section 26. (a) For purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

‘Civil arrest’, an arrest that is not for the sole or primary purpose of preparing the person subject to such arrest for criminal prosecution, for an alleged violation of the criminal law of: (A) the commonwealth or another jurisdiction within the United States, for which a

sentence of a term of imprisonment is authorized by law; or (B) the United States, for which a sentence of a term of imprisonment is authorized by law, and for which federal law requires an initial appearance before a federal judge, federal magistrate or other judicial officer, pursuant to the federal rules of criminal procedure that govern initial appearances.

‘Playground’, any building, structure or land owned, rented or leased by any municipality or the commonwealth for the purposes of promoting recreation, play, sport and physical education.

(b) A person shall be privileged from civil arrest in any park or playground.

(c) Parks and recreation departments shall adopt and implement a policy regarding interactions with law enforcement agents engaged in civil law enforcement which shall include, at a minimum, but not be limited to: (i) the designation of a contact person or persons to be notified of the presence of, or information requests from, law enforcement agents engaged in civil law enforcement; (ii) procedures for documenting all interactions with law enforcement agents engaged in civil law enforcement; and (iii) procedures for informing the city or town manager.

(d) The department, in consultation with the attorney general, shall prepare and publish on its website model policies consistent with the requirements of this section. The department shall, in consultation with the attorney general, also prepare and publish a model training for informing staff of local parks and recreation departments on how to respond to requests relating to civil law enforcement.

(e) The requirements of subsections (b) and (c) shall apply regardless of whether a local parks and recreation department has adopted the policy required by subsection (c).

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

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

The amendment was *rejected*.

Mr. Keenan, Ms. Edwards, Ms. Rausch, Ms. Miranda and Mr. Eldridge moved that the proposed new text be amended by inserting after section XX, the following section:-

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

Section 20B1/4. (a) For purposes of this section, the following words shall have the following meanings, unless the context clearly requires otherwise:

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

‘State buildings’, any building or structure owned, rented or leased by any authority established by the general court or owned, rented or leased in whole or in part by the commonwealth.

(b) A person shall be privileged from civil arrest in any state building.

(c) An individual aggrieved by a violation of this section may apply for a writ of habeas corpus if such person has reasonable cause to believe that a civil arrest in violation of this

section has occurred. The attorney general shall be permitted to bring a suit in law or equity for civil arrests in violation of this section.

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

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 2 in its entirety; moves to further amend by striking section 5 in its entirety and moves to further amend by striking section 6 in its entirety.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking in lines 269-273 the following:- “; provided further, that any payments made by the federal government to reimburse the department of correction for costs associated with executing responsibilities under an agreement described in this paragraph shall be transferred to and distributed by the office for refugees and immigrants to designated non-profit organizations to increase access to legal representation for immigrants and refugees in the commonwealth.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-six minutes before six o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 34) **[Yeas and Nays No. 154]:**

YEAS.

Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.

O'Connor, Patrick M.
Tarr, Bruce E. – **5.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – **34.**

The yeas and nays having been completed at eighteen minutes before six o’clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 7 clause (c) lines 259 to 273 in its entirety and inserting in place thereof the following:- “(c) No law enforcement agency or political subdivision of the commonwealth shall execute any new agreement under section 287(g) of the federal Immigration and Nationality Act, or any

substantially similar agreement or arrangement that authorizes personnel to perform federal civil immigration enforcement functions, unless the Secretary of the Executive Office of Public Safety and Security certifies in writing that the agreement: (i) is based on a specific, articulable public safety risk or need; and (ii) sunsets not later than 12 months after its issuance”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking in line 286-287 the following:- “for the purpose of enforcing criminal law unrelated to federal civil immigration enforcement” and inserting in place thereof the following: -“pursuant to the provisions of this act”.

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The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking in lines 292-293, the following:- “under sections 50 to 52, inclusive, of chapter 265 or to a felony in the commonwealth”.

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After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at a quarter before six o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 7 – nays 32) **[Yeas and Nays No. 155]**:

YEAS.

Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.
Montigny, Mark C.

O'Connor, Patrick M.
Tarr, Bruce E.
Velis, John C. – 7.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.

Friedman, Cindy F.
Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Moore, Michael O.
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F. – 32.

The yeas and nays having been completed at eight minutes before six o’clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting in line 294 after the word, “order” the following:- “or valid immigration detainers under 8 C.F.R. § 287.7, 8 U.S.C. § 1103(a)(3), 8 U.S.C. § 1226, and 8 U.S.C. § 1357”.

66

The amendment was *rejected*.

Mr. Fattman moved that the proposed new text be amended by inserting in section 7 the following:-

67

“(f) Notwithstanding any general or special law to the contrary, upon receipt of a written request from a federal immigration authority requesting detention of an individual who is a

convicted felon as defined by chapter 274 of the General Laws, 18 U.S.C. § 3156(a)(3), or 18 U.S.C. § 3559(a), a law enforcement agency may comply with the terms of an immigration detainer request received. For the purposes of this paragraph, the term “law enforcement agency” shall include but not be limited to any state, municipal, college or university police department, sheriff’s department, correctional facility, prosecutorial office, court, probation office, or any other non-federal entity in the commonwealth charged with the enforcement of laws or the custody of detained persons.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at five minutes before six o’clock P.M., on motion of Mr. Fattman, as follows, to wit (yeas 10 – nays 29) **[Yeas and Nays No. 156]:**

YEAS.

Cronin, John J.
Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.
Finegold, Barry R.

Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Tarr, Bruce E.
Velis, John C. – **10.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Friedman, Cindy F.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F. – **29.**

The yeas and nays having been completed at two minutes past six o’clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 12 in its entirety.

68

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by striking section 12 in its entirety and inserting in place thereof the following:-

71

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

Section 20S. (a) Any employee of the Commonwealth considered a court officer pursuant to Chapter 221 Sections 69A, 70A, 71A of the General Laws, who has lawful custody of a person may, upon the direction of a judicial officer, and upon receipt of (1) a written request from United States Immigration and Customs Enforcement requesting detention of such person on the grounds that there is probable cause that such person is a removable alien and (2) an administrative warrant for arrest or warrant of removal/deportation, detain such person for a reasonable period of time after such person would otherwise be released from custody in order to transfer custody of such person to

United States Immigration and Customs Enforcement, provided that the judicial officer has determined that there are specific facts indicating that the person to be detained poses a threat to public safety; and further provided that such person be provided with a copy of such written request; and further provided that in no circumstances shall such detention exceed 12 hours.

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

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

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

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

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

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

(c) In making such determination under subsection (a), if the appropriate judicial officer does not honor the request from Immigrations and Custom Enforcement, the judicial officer shall detail the reasons therefore in writing, and said determination shall be filed with the Clerk of the Court having jurisdiction over the location of the detention and maintained as a public record. Said determination shall not be subject to impoundment and may only be redacted to protect the names of minors and victims.

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

SECTION __. Chapter 276 of the General Laws is hereby amended by inserting at the end the following section:-

Section 104. In determining original bail, and any subsequent bail pursuant to sections 20D, 20E, 20F, 29, 42, 42A, 56A, 57, 60, 61, 62, 63, 64 68, 70, 82, 82A, of Chapter 276 the Judicial Officer presiding over the status of the bail hearing of the individual shall consider the existence of an Immigrations and Customs Enforcement Detainer request from the United States Immigrations and Customs Enforcement Office. If a written request from United States Immigration and Customs Enforcement requesting detention of such person on the grounds that there is probable cause that such person is a removable alien and (2) an administrative warrant for arrest or warrant of removal/deportation exists then the Judicial Officer shall have grounds to withhold bail pending action on the request from Immigrations and Customs Enforcement.”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end the following section:-

“SECTION __. Nothing in this act shall be construed to prohibit state and local law enforcement officials from taking actions to maintain public safety at the locus of any federal law enforcement activity, including but not limited to the enforcement of federal immigration

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laws, provided that no such actions shall be undertaken to obstruct the lawful enforcement of such laws by those duly authorized to do so.”.

The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting at the end the following section:-

75

“SECTION _____. Notwithstanding any special or general law, rule, or regulation to the contrary, any agency, organization, or other entity receiving public funds for the purpose of providing legal representation in matters involving federal immigration law shall develop and implement mechanisms to ensure that no such funds are provided for the benefit of an individual not lawfully present in the United States, provided that such mechanisms may include, but not be limited to, the requirement of an affidavit from any beneficiary attesting to the fact that, to the best of that individual's knowledge, they are lawfully present, signed under the pains and penalties of perjury. Any such mechanisms shall be submitted to, and approved by, the secretary of administration and finance prior to the disbursement of any such funds.”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at four minutes past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 34) **[Yeas and Nays No. 157]:**

YEAS.

Dooner, Kelly A.
Durant, Peter J.
Fattman, Ryan C.

O'Connor, Patrick M.
Tarr, Bruce E. – **5.**

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.

Gómez, Adam
Howard, Vanna
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – **34.**

The yeas and nays having been completed at nine minutes past six o'clock P.M., the amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended by inserting the text of Senate document numbered 3085 relative to Compatibility with Existing Laws and Policies.

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The amendment was *rejected*.

Mr. Brownsberger in the Chair, Ms. Edwards, Ms. Rausch, Ms. Miranda, Mr. Eldridge, Ms. Howard, Messrs. Keenan and Mark, Ms. Jehlen, Mr. Gómez and Ms. Kennedy moved that the proposed new text be amended in section 12, by inserting after the word “business”, in line 364, the following words:- “or curtilage thereof, as determined by the court, which

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may include walkways, driveways, alleys or sidewalks on the grounds of, contiguous to or directly abutting the courthouse or connecting such garage or parking lot to the courthouse”.

After remarks, the amendment was adopted.

Ms. Miranda, Ms. Edwards, Ms. Kennedy, Messrs. Eldridge and Mark, Ms. Howard, Ms. Jehlen, Messrs. Gómez and Driscoll and Ms. Rausch moved that the proposed new text be amended in section 6, by adding, in proposed section 249 of chapter 111 of the General Laws, the following 2 subsections:-

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

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

The amendment was adopted.

Ms. Edwards, Ms. Rausch, Mr. Eldridge, Ms. Howard, Mr. Keenan, Ms. Jehlen, Ms. Miranda and Messrs. Gómez and Moore moved that the proposed new text be amended by inserting after section 15 the following section:-

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“Section 15A. (a) There shall be a commission on immigration matters in the commonwealth. The commission shall operate for 3 calendar years starting on the day on which the commission goes into effect; provided, however, that the commission may be extended for up to an additional 3 years upon agreement of the chairs. The commission shall consist of 21 members including: 2 members to be appointed by the governor, 2 members to be appointed by the president of the senate, 1 member appointed by the minority leader of the senate, 2 members to be appointed by the speaker of the house of representatives, 1 member appointed by the minority leader of the house of representatives, 1 member to be appointed by the attorney general, 1 member to be appointed by the department of the trial court, 1 member to be appointed by the office of refugees and immigrants, 1 member to be appointed by the committee for public counsel services, 1 member to be appointed by Greater Boston Legal Services, Inc.; 1 member to be appointed by the Massachusetts Municipal Association; 1 member to be appointed by Neighbor to Neighbor Massachusetts Education Fund Inc.; 1 member to be appointed by the Massachusetts Temporary Protected Status Committee; 1 member to be appointed by the Massachusetts AFL-CIO; 1 member to be appointed by Massachusetts Immigrant and Refugee Advocacy Coalition Inc.; 1 member to be appointed by the Massachusetts Sheriff Association; 1 member to be appointed by the Massachusetts Chiefs of Police Association; and 1 member to be appointed by the Massachusetts District Attorneys Association. An appointing authority may remove a member at the appointing authority’s discretion and shall fill any vacancies. The president of the senate and the speaker of the house of representatives shall each designate a co-chair of the commission from the membership of the commission. Each member of the commission shall be a resident of the commonwealth.

(b) The commission shall investigate, study and make recommendations regarding immigration matters in the commonwealth, including interactions with federal immigration agencies, including, but not limited to: (i) reviewing the adequacy of existing state statutes, regulations and practices; (ii) formulating appropriate responses to decisions by federal and state courts; (iii) recommending municipal policies including ordinances, by-laws and other regulations; (iv) reviewing immigration legal defense funding and recommending budgetary adjustments to best serve the needs of immigration legal defense efforts; (v) reviewing policies regarding data sharing between state and local agencies and the federal government

including, but not limited to the sharing of: (A) criminal offender record information; and (B) fingerprints when not required by state or federal law; (vi) reviewing the use of state and local facilities, including airports, by the federal government to facilitate immigration enforcement; (vii) reviewing the policies and guidelines issued and adopted by public and private entities related to civil immigration enforcement; (viii) reporting on disaggregated data regarding compliance with said policies and guidelines; (ix) reviewing the powers of state and local law enforcement officers and employees to (A) investigate legal violations by federal officers and employees; and (B) to maintain joint control over crime scenes that may involve a violation of the criminal laws of the commonwealth, and recommending procedures that may be used in the exercise such powers; (x) reviewing language accessibility of the policies public and private entities adopt regarding interactions with civil immigration enforcement; (xi) developing recommendations for proactive measures to protect the preparation for, and administration and implementation of, the 2030 decennial census, pursuant to title 13 of the United States Code, from interference by agents of the United States immigration and customs enforcement agency; and (xii) evaluating and making recommendations regarding safe spaces including, but not limited to, playgrounds, summer camps, public libraries, higher education campuses, other educational entities and locations where funeral services are typically held.

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

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

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

The amendment was adopted.

Ms. Friedman moved that the proposed new text be amended in section 4, by striking out, in line 74, the words “A violation of 18 U.S.C. § 592, 18 U.S.C. § 593 and 18 U.S.C. § 595” and inserting in place thereof the following words:- “An act prohibited by 18 U.S.C. § 592 and 18 U.S.C. § 593 by a federal, state or local officer”;

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In section 5, by striking out, in line 95, the word “or” and inserting in place thereof the following words:- “a special day school or other day facility and a short or long-term residential school providing educational programs for children with disabilities established pursuant to chapter 71B and in accordance with chapter 766 of the acts of 1972 or”;

In said section 5, by inserting after the word “committees”, in line 108, the following words:- “, the Massachusetts Association of 766 Approved Private Schools”.

In section 5, by inserting after the word, “student”, in line 138, the following words:- “and staff”;

In section 7, by striking out, in line 225, the word “an”, the second time it appears, and inserting in place thereof the following words:- “a law enforcement”;

In said section 7, by inserting after the word “except”, in line 252, the following words:- “that such information may be provided”;

In said section 7, by striking out, in line 292, the word “in” and inserting in place thereof the following words:- “under the laws of”;

In said section 7, in proposed section 64 of chapter 147 of the General Laws, by inserting after paragraph (3) of subsection (e), the following 2 paragraphs:-

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

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

In section 15, by inserting after the word “or”, in line 495, the second time it appears, the following words:- “other qualifying”;

In said section 15, by inserting after the word “general”, in line 562, following words:- “shall issue guidance providing for a process to submit complaints for violations of this chapter and”; and

In said section 15, in proposed section 7 of chapter 258F of the General Laws, by adding the following sentence:- “Nothing in this section shall be construed to create a private right of action; provided, however, that nothing herein shall limit any remedy otherwise available under law, including, but not limited to, remedies under chapter 249.”.

After remarks, the amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed was determined by a call of the yeas and nays, at twenty-two minutes before seven o’clock P.M., on motion of Ms. Friedman, as follows, to wit (yeas 37 — nays 3) [**Yeas and Nays No. 158**]:

YEAS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
Driscoll, Jr., William J.
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Fernandes, Dylan A.
Finegold, Barry R.
Friedman, Cindy F.
Gómez, Adam
Howard, Vanna

Jehlen, Patricia D.
Keenan, John F.
Kennedy, Robyn K.
Lewis, Jason M.
Lovely, Joan B.
Mark, Paul W.
Miranda, Liz
Montigny, Mark C.
Moore, Michael O.
O'Connor, Patrick M.
Oliveira, Jacob R.
Payano, Pavel
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Spilka, Karen E.
Tarr, Bruce E.
Velis, John C. — **37**.

NAYS.

Dooner, Kelly A.
Durant, Peter J.

Fattman, Ryan C. — **3**.

The yeas and nays having been completed at sixteen minutes before seven o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments [For text of Senate amendment, printed as amended, see Senate, No. 3086]

Sent to the House for concurrence in the amendment.

PAPER FROM THE HOUSE.

The Senate Bill to promote student learning and mental health (Senate, No. 2581),-- came from the House passed to be engrossed, in concurrence, *with an amendment* striking out all after the enacting clause and inserting in place thereof the text of House document numbered 5366; by inserting before the enacting clause the following emergency preamble:

Student learning,--
cell phone use.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to make certain changes in law to protect the health and wellness of minors, promote safe technology use and provide distraction-free education for youth, which is immediately necessary to accomplish important public purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.”; and by striking out the title and inserting in place thereof the following title:- “An Act promoting safe technology use and distraction-free education for youth”.

Mr. Tarr moved that the rules be suspended to consider the matter forthwith.

The same Senator moved that the Senate NON-concur in the House amendments and asked for a committee of conference on the disagreeing votes of the two branches and; Senators Crighton, Rodrigues and Durant were appointed to the committee on the part of the Senate.

The bill was returned to the House endorsed accordingly.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, that when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Time of meeting.

On motion of the same Senator, at eight minutes before seven o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.