

HOUSE No. 2580**The Commonwealth of Massachusetts**

PRESENTED BY:

Manny Cruz and Priscila S. Sousa*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

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

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/17/2025</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/22/2025</i>
<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>1/22/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/3/2025</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/3/2025</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/3/2025</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>2/3/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/3/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/3/2025</i>
<i>Samantha Montaño</i>	<i>15th Suffolk</i>	<i>2/3/2025</i>
<i>Sean Reid</i>	<i>11th Essex</i>	<i>2/3/2025</i>
<i>Erika Uytterhoeven</i>	<i>27th Middlesex</i>	<i>2/11/2025</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/11/2025</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/11/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/11/2025</i>
<i>John Francis Moran</i>	<i>9th Suffolk</i>	<i>2/11/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/11/2025</i>
<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>2/12/2025</i>

<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/12/2025</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/18/2025</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/19/2025</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>2/19/2025</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/19/2025</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/24/2025</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>3/3/2025</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/4/2025</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/5/2025</i>
<i>Christopher J. Worrell</i>	<i>5th Suffolk</i>	<i>3/6/2025</i>
<i>Kevin G. Honan</i>	<i>17th Suffolk</i>	<i>3/7/2025</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>3/10/2025</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>3/12/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/17/2025</i>

HOUSE No. 2580

By Representatives Cruz of Salem and Sousa of Framingham, a petition (accompanied by bill, House, No. 2580) of Manny Cruz, Lindsay N. Sabadosa and others 19-20: relative to introductory and in-service training programs of law enforcement agencies in the Commonwealth 21-22: relative to local and state law enforcement involvement in federal immigration enforcement 23-24: for legislation to prohibit local and state involvement in federal immigration enforcement, unless required by law. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

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

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

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

1 SECTION 1. This act shall be known and may be cited as the “Safe Communities Act”

2 SECTION 2. Chapter 147 of the General Laws is hereby amended by inserting after
3 section 62 the following section:-

4 Section 63. Updates to Law Enforcement Procedures

5 (a) Definitions

6 As used in this section, the following words shall have the following meanings, unless the
7 context clearly requires otherwise:

8 “Law enforcement agency”, any state, municipal, college or university police department,
9 sheriff’s department, correctional facility, prosecutorial office, court, probation office, or

program of one or more of the foregoing entities, or any other non-federal entity in the commonwealth charged with the enforcement of laws or the custody of detained persons.

“Immigration enforcement”, any and all efforts to investigate, enforce, or assist in investigating or enforcing any federal immigration law. Such purposes do not include verification of an applicant’s eligibility for state or federal programs or services.

“United States Department of Homeland Security” or “DHS”, the United States Department of Homeland Security and its component agencies, including Immigration and Customs Enforcement, the former Immigration and Naturalization Service, Customs and Border Protection, and any other federal agency charged with enforcing immigration laws.

(b) Community relations with law enforcement agencies

Notwithstanding any general or special law to the contrary, no officer or employee of a law enforcement agency, while acting under color of law, shall question persons, including victims and witnesses of crimes, about their immigration status unless state or federal law requires the inquiry, provided that judges and magistrates may make such inquiries as are necessary to adjudicate matters within their jurisdictions.

(c) Due process protections

Notwithstanding any general or special law to the contrary, an interview, including any informal questioning, between an agent of the United States Department of Homeland Security or an officer or employee of a law enforcement agency and a person in the custody of a law enforcement agency conducted for immigration enforcement purposes shall take place only if the person in custody gives informed consent by signing a written consent form provided by the law

31 enforcement agency. The consent form shall explain that: (i) the interview is for immigration
32 enforcement or deportation purposes; (ii) any information provided at the interview can be used
33 against the person; (iii) the person may decline to sign any documents that are presented during
34 the interview; and (iv) the person may choose to decline the interview or to be
35 interviewed only with an attorney present, at the person's own expense. The consent form shall
36 provide a checkbox or other means to indicate if an interview has taken place, and if so, if an
37 attorney was present. The consent form shall be available in English and other languages
38 commonly spoken in Massachusetts. The law enforcement agency shall make best efforts to
39 provide a consent form that is in a language that the person understands, and to provide oral
40 interpretation if needed, in order to obtain the person's informed consent for the interview. The
41 office of the attorney general shall prepare the consent form and make it available to law
42 enforcement agencies, and may work with interested not-for-profit organizations to prepare
43 translations of the form.

44 Any and all records relating to the granting of these interviews or questioning shall be
45 public records as defined in paragraph 26 of section 7 of chapter 4, provided that names,
46 addresses, phone numbers and other personal identifying information shall not be a public
47 record. These records include the signed consent forms obtained before the interviews, and
48 information about whether the interview or questioning was conducted in the presence of an
49 attorney.

50 (d) The preceding subsections (b) and (c) shall not apply to interviews or questioning of
51 persons who are held in Massachusetts correctional facilities under an Inter-Governmental
52 Service Agreement with the United States Department of Homeland Security, provided,

however, that persons who are booked into a correctional facility under such an agreement shall be advised at the booking that the person (i) has the right to seek legal counsel from an immigration attorney at their own expense; (ii) may choose to decline to speak with a DHS agent or to speak with the DHS agent only with an attorney present; and (iii) may decline to sign any documents presented by a DHS agent.

(e) Guidelines for reporting release information

Notwithstanding any general or special law to the contrary, no officer or employee of a law enforcement agency shall initiate communication with the United States Department of Homeland Security about the pending or imminent release, from state, local or county custody, of a person who is being released for any reason other than the end of a sentence of incarceration for a criminal conviction; provided, however, that nothing in this section shall prohibit or restrain any state or local agency from sending to, or receiving from, any local, state, or federal agency, information regarding citizenship or immigration status.

If a law enforcement agency receives a request for notification from the United States Department of Homeland Security regarding a person in its custody, including a request for notification under to federal form I-247A or I-247N, the law enforcement agency shall inform the person of the request and shall provide the person with a copy of the request and copies of any other documentation pertaining to the person's case that is presented to the law enforcement agency by the United States Department of Homeland Security.

(f) Implementation and training

Notwithstanding any general or special law to the contrary, all law enforcement agencies in the commonwealth shall, within 12 months of passage of this act, incorporate information and

guidance regarding this section into their regular introductory and in-service training programs. An individual may file a complaint for a violation of this section with the corresponding department or agency, which shall investigate the complaint. At the conclusion of the investigation, the agency head shall provide the executive office of public safety and security with a written summary of the investigation's findings. If the agency head substantiates the allegations, the written summary shall provide details of the specific actions taken to correct the violation as well as details of the sanctions imposed on the subjects of the investigation, if any. Findings made under this subsection shall be public records as defined in paragraph 26 of section 7 of chapter 4, provided that personal identifying information shall not be a public record.

SECTION 3. Chapter 126 of the General Laws is hereby amended by inserting after section 39 the following section:-

Section 40. Notwithstanding any general or special law to the contrary, no officer or employee of the department of corrections, the state police, any sheriff's department, or any city or town police department shall perform the functions of an immigration officer, whether pursuant to 8 U.S.C. section 1357(g) or any other law, regulation, or policy, whether formal or informal. Any agreements in existence at the time of the passage of the law that are inconsistent with this section are null and void. Any entity of the commonwealth or any political subdivision thereof that is a party to such an agreement on the date of the passage of this act shall, within 90 days, inform the other party or parties that the contract is null and void under Massachusetts law. Nothing in this section shall prohibit the department of correction or a house of correction from entering into an Inter-Governmental Service Agreement with the United States Department of Homeland Security in which persons in Immigration and Customs Enforcement custody are

97 housed at the house of correction and the United States Department of Homeland Security pays a
98 daily fee for each person detained there.