

SENATE No. 1681**The Commonwealth of Massachusetts**

PRESENTED BY:

James B. Eldridge*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:	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>1/17/2025</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/27/2025</i>
<i>Robyn K. Kennedy</i>	<i>First Worcester</i>	<i>1/27/2025</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/11/2025</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/11/2025</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/11/2025</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/11/2025</i>
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>2/11/2025</i>
<i>Pavel M. Payano</i>	<i>First Essex</i>	<i>2/11/2025</i>
<i>Jacob R. Oliveira</i>	<i>Hampden, Hampshire and Worcester</i>	<i>2/11/2025</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/27/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/27/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/27/2025</i>

SENATE No. 1681

By Mr. Eldridge, a petition (accompanied by bill, Senate, No. 1681) of James B. Eldridge, Liz Miranda, Joanne M. Comerford, Robyn K. Kennedy and other members of the Senate for legislation to protect the civil rights and safety of all Massachusetts residents. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1510 OF 2023-2024.]

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:

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

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

(d) The preceding subsections (b) and (c) shall not apply to interviews or questioning of persons who are held in Massachusetts correctional facilities under an Inter-Governmental 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

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