

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

PRESENTED BY:

*Andres X. Vargas and Judith A. Garcia*

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>1/28/2026</i>
<i>Judith A. Garcia</i>	<i>11th Suffolk</i>	<i>1/28/2026</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/28/2026</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>1/28/2026</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>1/28/2026</i>
<i>Priscila S. Sousa</i>	<i>6th Middlesex</i>	<i>1/28/2026</i>
<i>Manny Cruz</i>	<i>7th Essex</i>	<i>1/28/2026</i>
<i>Rita A. Mendes</i>	<i>11th Plymouth</i>	<i>1/28/2026</i>
<i>Brandy Fluker-Reid</i>	<i>12th Suffolk</i>	<i>1/28/2026</i>
<i>Kip A. Diggs</i>	<i>2nd Barnstable</i>	<i>1/28/2026</i>
<i>Leigh Davis</i>	<i>3rd Berkshire</i>	<i>1/28/2026</i>
<i>Shirley B. Arriaga</i>	<i>8th Hampden</i>	<i>1/28/2026</i>
<i>Homar Gómez</i>	<i>2nd Hampshire</i>	<i>1/28/2026</i>
<i>Russell E. Holmes</i>	<i>6th Suffolk</i>	<i>1/28/2026</i>
<i>Estela A. Reyes</i>	<i>4th Essex</i>	<i>1/28/2026</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>1/28/2026</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>1/28/2026</i>

<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>1/28/2026</i>
<i>Adam Gómez</i>	<i>Hampden</i>	<i>1/28/2026</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>1/28/2026</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/28/2026</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/28/2026</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/28/2026</i>
<i>Tara T. Hong</i>	<i>18th Middlesex</i>	<i>1/28/2026</i>

# HOUSE . . . . . No.

[Pin Slip]

# The Commonwealth of Massachusetts

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

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

*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. Chapter 6E of the General Laws is hereby amended by inserting after

2 section 4 the following section:-

3       Section 4A. As part of the background and qualification check for certification or  
4       recertification, an applicant shall disclose whether the applicant was employed by or contracted  
5       with United States Immigration and Customs Enforcement or United States Customs and Border  
6       Protection at any time, and the nature, duration and role of such employment or contracting. The  
7       commission shall consider such information for purposes of assessing training needs and  
8       ensuring compliance with the commonwealth's standards for de-escalation and bias-free  
9       policing. Nothing in this section shall be construed to create a categorical disqualification based  
10      solely on prior federal employment. For purposes of this section, "contracted with" shall mean  
11      contracting to provide law enforcement, detention, intelligence, investigative, removal or  
12      operational support services.

13                   SECTION 2. Chapter 127 of the General Laws is hereby amended by inserting after  
14    section 87A the following section:-

15                   Section 87B. (a) This section shall apply to any state correctional facility, state prison or  
16    county correctional facility that houses individuals pursuant to an intergovernmental service  
17    agreement or other contract for detention under federal civil immigration authority.

18                   (b) Upon intake, the facility shall provide each detained individual, in the individual's  
19    primary language: (i) written notice of the right to legal counsel; (ii) written notice of the right to  
20    decline interviews by federal immigration authorities or consular officials unless counsel is  
21    present; (iii) instructions for contacting counsel and legal services; and (iv) the facility's  
22    procedures for confidential legal communications and grievance review.

23                   (c) The facility shall ensure confidential, unmonitored attorney-client telephone  
24    communications. In addition to outbound calling options, the facility shall provide a verified  
25    immigration-counsel line that permits counsel of record in an immigration proceeding to  
26    complete not less than 1 confidential inbound call per day with the detained individual, or, if  
27    direct inbound calling is technologically infeasible, the facility shall provide a system for counsel  
28    to request a confidential callback that occurs within 24 hours of the request.

29                   (d) The facility shall maintain a secure electronic locator system identifying individuals  
30    detained under federal civil immigration authority. The locator shall not be made publicly  
31    available. The locator shall be updated not later than 6 hours after intake into the facility and not  
32    later than 6 hours after any transfer into or out of the facility. At minimum, the locator shall  
33    provide: (i) confirmation of custody in the facility; (ii) contact-routing information sufficient for  
34    counsel and family to maintain contact; and (iii) a facility phone process for legal calls and

35 general inquiries. Access shall be provided to: (1) counsel of record; (2) legal services  
36 organizations designated by the secretary; and (3) a person designated by the detained individual  
37 at intake orally or in writing and recorded in the intake record; provided, however, that the  
38 detained individual may elect confidential status, in which case access under clause (3) shall not  
39 be provided unless later authorized by the detained individual. The facility shall implement  
40 reasonable identity verification, auditing and privacy safeguards and shall limit disclosure to the  
41 minimum information necessary to locate and contact the detained individual. The facility shall  
42 adopt written policies for identity verification and access control, shall maintain audit logs of  
43 access attempts and disclosures for not less than 1 year and shall provide the secretary with such  
44 policies upon request.

45 (e) The facility shall provide meaningful language access, including translated intake  
46 materials and qualified interpretation for medical, mental health, disciplinary, legal-access and  
47 grievance interactions.

48 (f) The facility shall not impede a detained individual's access to immigration relief or  
49 required proceedings. The facility shall provide transportation to, or functional remote access for,  
50 mandatory government appointments, including but not limited to Executive Office for  
51 Immigration Review hearings, United States Citizenship and Immigration Services biometrics,  
52 fingerprinting, interviews and any other court-ordered proceeding. The facility shall document  
53 compliance and promptly notify counsel of record of any appointment that is rescheduled or  
54 missed for facility-related reasons.

55 (g) The secretary of public safety and security shall promulgate regulations establishing  
56 minimum compliance and auditing standards for this section.

57 (h) Not later than 2 hours after intake, the facility shall provide each detained individual  
58 the opportunity to place 1 free telephone call to a person of the individual's choosing for the  
59 purpose of notifying that person of the individual's location and arranging care or other urgent  
60 personal matters; provided, however, that the facility may delay the call only for documented,  
61 case-specific security or medical reasons and shall provide the call as soon as practicable.

62 (i) The facility shall maintain a single telephone hotline, with hours of operation  
63 sufficient to provide timely location confirmation, by which a caller may obtain confirmation of  
64 whether an individual is in custody at the facility and obtain contact instructions; provided,  
65 however, that the facility may require the caller to provide the individual's full name and date of  
66 birth, and additional identifying information only as necessary to resolve multiple matches. The  
67 facility shall, upon transfer of a detained individual to or from the facility, make reasonable  
68 efforts to notify counsel of record and any designated contact recorded pursuant to subsection (d)  
69 not later than 6 hours after the transfer is effected, including the name of the receiving facility  
70 and instructions for locating the individual.

71 SECTION 3. Chapter 147 of the General Laws is hereby amended by adding the  
72 following section:-

73 Section 64. (a). For the purposes of this section, the following words shall, unless the  
74 context clearly requires otherwise, have the following meanings:

75 “Law enforcement agency”, as defined in section 1 of chapter 6E.

76        “Federal immigration authority”, the United States Department of Homeland Security,  
77        Immigration and Customs Enforcement, Customs and Border Protection or any successor entity,  
78        and any person acting on their behalf.

79        “Civil immigration process”, any civil immigration detainer request, administrative  
80    warrant, notice to appear, removal order or other civil immigration document not issued by a  
81    judge of a court of competent jurisdiction upon a finding of probable cause.

82        “Nonpublic personal information”, information not otherwise available to the public that  
83    is maintained by a law enforcement agency or political subdivision, including but not limited to  
84    home address, personal telephone number, email address, place of employment, school or  
85    childcare location, medical information and release date or time from custody.

86            (b) Except as required by federal or state law, or pursuant to a judicial warrant or court  
87    order, no officer or employee of a law enforcement agency shall: (i) inquire about the  
88    immigration or citizenship status of any person; provided, however, that an officer may make  
89    such inquiry only when the officer has an articulable, case-specific reason to believe the person’s  
90    immigration or citizenship status is directly material to an element of a specific criminal offense  
91    under the laws of the commonwealth being investigated, and the officer documents that reason in  
92    the incident report or case file; (ii) record or maintain immigration or citizenship status  
93    information except as required by federal or state law or as documented pursuant to clause (i); or  
94    (iii) use state or local resources for the primary purpose of facilitating a federal civil immigration  
95    enforcement action. Notwithstanding clause (i), a law enforcement agency shall not inquire into  
96    the immigration or citizenship status of a victim of crime, witness or person seeking assistance,  
97    except where specifically required by federal or state law. For purposes of clause (i),  
98    immigration or citizenship status shall be deemed directly material only when necessary to  
99    establish an element of a specific criminal offense under the laws of the commonwealth, and  
100   shall not be deemed directly material for assessing credibility, cooperation or for general  
101   information gathering.

102 (c) Except as required by federal or state law or pursuant to a judicial warrant or court  
103 order, no officer or employee of a law enforcement agency shall: (i) provide nonpublic personal  
104 information to a federal immigration authority; or (ii) provide advance notice of a person's  
105 release date, time or location, or facilitate a transfer timed to enable a federal civil immigration  
106 enforcement action.

107 (d) (1) No law enforcement agency or political subdivision of the commonwealth, except  
108 for the department of correction, shall execute, renew or materially expand a memorandum of  
109 agreement under section 287(g) of the federal Immigration and Nationality Act, or any  
110 substantially similar agreement or arrangement that deputizes state or local personnel to perform  
111 civil immigration enforcement functions.

112 (2) Notwithstanding paragraph (2), an agency may petition the secretary of the executive  
113 office of public safety and security for approval of a time-limited agreement that is restricted  
114 solely to criminal public safety purposes and does not authorize civil immigration enforcement;  
115 provided, that: (i) the agreement is limited to cooperation in the execution of criminal warrants or  
116 criminal process issued by a court of competent jurisdiction; (ii) the petition demonstrates an  
117 articulable, imminent public safety interest; (iii) the secretary issues a written determination after  
118 public notice and comment and consultation with the attorney general; (iv) the attorney general  
119 prepares and publishes, contemporaneously with the secretary's written determination, a written  
120 legal analysis assessing compliance with the requirements of this subsection and identifying  
121 material legal risks, including potential federal preemption or intergovernmental immunity  
122 concerns; (v) the approval sunsets not later than 12 months after issuance and may be renewed  
123 only upon the same process; and (vi) the agency files quarterly public reports describing  
124 implementation, excluding personally identifying information.

125 (e) Nothing in this section shall be construed to: (i) prohibit or restrict the sending to, or  
126 receiving from, federal immigration authorities of information regarding an individual's  
127 citizenship or immigration status as described in 8 U.S.C. § 1373; or (ii) limit cooperation with  
128 federal authorities in the investigation or prosecution of criminal offenses, including compliance  
129 with judicial warrants, subpoenas or court orders.

130 SECTION 4. Chapter 211B of the General Laws is hereby amended by inserting after  
131 section 9B the following section:-

132                   Section 9C. (a) The general court finds that fear of civil immigration enforcement at  
133 courthouses chills reporting of crime and attendance at court proceedings, undermines access to  
134 justice, and disrupts the orderly administration of the courts. This section is intended to protect  
135 courthouse access and court operations while preserving compliance with criminal process and  
136 judicial warrants.

142 (c) No court officer or trial court employee shall: (i) arrest, detain or continue to hold any  
143 person solely on the basis of civil immigration process; (ii) provide access to nonpublic  
144 courthouse areas for the purpose of a civil immigration arrest absent a judicial warrant or judge-  
145 signed court order; or (iii) initiate communication with a federal immigration authority for the  
146 purpose of facilitating a civil immigration arrest.

147 (d) Court officers and court personnel shall not provide access to any nonpublic  
148 courthouse area for the purpose of executing a judicial warrant or judge-signed court order  
149 described in subsection (b) unless the requesting officer presents credentials and the warrant or  
150 order to the court administrator or designee. Nothing in this subsection shall be construed to  
151 require court personnel to assist with a civil immigration arrest.

152 (e) To the extent practicable, the executive office of the trial court shall compile and  
153 publish a quarterly public report, based on enforcement actions observed by court officers or  
154 reported to the trial court, that includes: (i) the number of known immigration-related  
155 enforcement actions occurring in courthouses or on courthouse grounds; (ii) whether the  
156 enforcement action was supported by a judicial warrant or judge-signed court order; (iii) whether  
157 access was sought to nonpublic areas; and (iv) the originating federal agency. The report shall  
158 exclude personally identifying information of any litigant, witness or member of the public.

159 (f) Nothing in this section shall be construed to limit the authority of the chief justice of  
160 the trial court or the supreme judicial court to regulate courthouse operations and security.

161 SECTION 5. The General Laws are hereby amended by striking out chapter 258F and  
162 inserting in place thereof the following chapter:-

163 CHAPTER 258F

164 CERTIFICATION FOR VICTIMS OF CRIMINAL ACTIVITY AND HUMAN  
165 TRAFFICKING.

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

168           “Certifying entity”, (i) any law enforcement agency; (ii) any district attorney or the  
169           attorney general; (iii) the executive office of the trial court and the juvenile court department;  
170           (iv) the department of children and families; (v) the executive office of labor and workforce  
171           development and any agency within the secretariat with authority over wage and hour, workplace  
172           safety, unemployment insurance or labor standards; (vi) the Massachusetts commission against  
173           discrimination; and (vii) any other state or local agency designated by regulation of the secretary  
174           of public safety and security in consultation with the attorney general.

175           “Qualifying criminal activity”, (i) criminal activity described in 8 U.S.C. §  
176           1101(a)(15)(U)(iii) and severe forms of trafficking in persons described in 8 U.S.C. §  
177           1101(a)(15)(T); and (ii) any offense under the laws of the commonwealth or a political  
178           subdivision that is substantially similar. For purposes of determining whether a person is a victim  
179           of qualifying criminal activity for certification, a certifying entity shall not require the filing of  
180           criminal charges or a conviction.

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

187           “Helpful” or “helpfulness”, the meaning used in the applicable federal certification form,  
188           and shall include being helpful in the past, currently being helpful or being likely to be helpful.

189                   Section 2. Each certifying entity shall adopt, publish and maintain a written certification  
190                   policy consistent with this chapter. The policy shall, at minimum: (i) identify a designated  
191                   certifying official and an alternate; (ii) describe how requests may be submitted, including by  
192                   email, through counsel or through an authorized advocate; (iii) identify objective criteria used to  
193                   assess victimization and helpfulness consistent with federal certification forms; (iv) prohibit  
194                   consideration of the applicant's immigration admissibility or eligibility beyond the  
195                   determinations required by the federal form; (v) prohibit any fee for processing a request; and  
196                   (vi) describe the entity's internal review process for denials.

197                   Section 3. (a) A certifying entity shall respond to a nonimmigrant status certification  
198                   request from a victim of qualifying criminal activity who intends to petition for a nonimmigrant  
199                   visa under 8 U.S.C. § 1101(a)(15)(U) or from a victim of severe forms of trafficking in persons  
200                   who intends to petition for a nonimmigrant visa under 8 U.S.C. § 1101(a)(15)(T) not later than  
201                   30 days after receiving the request.

202                   (b) If the applicant, counsel or advocate certifies that the applicant is in federal removal  
203                   proceedings or has a scheduled immigration court hearing within 45 days, the certifying entity  
204                   shall respond not later than 10 business days after receiving the request, unless the certifying  
205                   entity provides a written explanation that extraordinary circumstances outside the control of the  
206                   certifying entity prevent compliance and states a projected response date.

207                   (c) The certifying entity shall respond by: (i) completing and signing the applicable  
208                   federal certification form; (ii) issuing a written denial without prejudice that states the specific  
209                   reasons the request does not meet the requirements of the entity's policy under section 2 and

210 identifies the internal review process; or (iii) issuing a written explanation of delay as provided  
211 in this section.

212 Section 4. (a) A certifying entity shall establish a rebuttable presumption of helpfulness  
213 for any victim who timely reports qualifying criminal activity and is willing to provide  
214 information in a manner reasonably requested by the certifying entity. A certifying entity shall  
215 not deny a request solely because: (i) no arrest was made; (ii) the case was closed; (iii) the victim  
216 has a criminal record unrelated to the qualifying criminal activity; or (iv) the victim chose to  
217 exercise constitutional rights.

218 (b) No state or local employee shall report or threaten to report an individual to a federal  
219 immigration authority in retaliation for seeking certification, reporting a crime, participating in  
220 an investigation, filing a labor or civil rights complaint or cooperating with a proceeding.

221 Section 5. The secretary of public safety and security, in consultation with the attorney  
222 general, shall promulgate minimum standards for internal review processes, training and data  
223 reporting under this chapter. Each certifying entity shall report annually to the secretary  
224 aggregate data sufficient to evaluate compliance, including request volume, response times,  
225 approvals, denials and reasons for denial, in a manner that protects victim confidentiality.

226 SECTION 6. The attorney general may enforce sections 1, 2, 3, 4 and 5 of this act by a  
227 civil action brought in the superior court for declaratory, injunctive and other equitable relief to  
228 compel compliance or prevent violations.

229 In an action under this section, the court may issue emergency, long-term and permanent  
230 orders, including but not limited to: (i) an order requiring immediate compliance with a statutory

231       duty; (ii) an order prohibiting conduct that violates this act; (iii) a compliance plan with  
232       deadlines; and (iv) reasonable monitoring and periodic reporting to the court.

233           If the attorney general prevails, the court shall award the commonwealth its costs of  
234       investigation and litigation, including reasonable attorneys' fees.

235           Nothing in this act shall be construed to create a private right of action; provided,  
236       however, that nothing herein shall limit any remedy otherwise available under law.

237           SECTION 7. Sections 1, 3, 4, and 6 shall take effect 90 days after the effective date of  
238       this act.

239           SECTION 8. Section 2 shall take effect 180 days after the effective date of this act.

240           SECTION 9. Section 5 shall take effect 60 days after the effective date of this act.