

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.

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

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

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

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

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

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

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

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

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

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

“Federal immigration authority”, the United States Department of Homeland Security, Immigration and Customs Enforcement, Customs and Border Protection or any successor entity, 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.

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

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

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

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

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

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

(b) No person shall be subject to a civil immigration arrest while the person is present in a courthouse, on courthouse grounds or in direct travel to or from a courthouse for the purpose of attending, participating in or observing a court proceeding, unless the arrest is supported by a judicial warrant or judge-signed court order. For purposes of this subsection, "direct travel" means travel without unreasonable detour.

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

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

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

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

SECTION 5. The General Laws are hereby 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:

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

“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 that is substantially similar. 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 or other substantially similar offenses under state or federal law.

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

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

Section 3. (a) A certifying entity shall respond to a nonimmigrant status 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 the request.

(b) If the applicant, counsel or advocate certifies that the applicant is in federal removal proceedings or has a scheduled immigration court hearing within 45 days, the certifying entity shall respond not later than 10 business days after receiving the request, unless the certifying entity provides a written explanation that extraordinary circumstances outside the control of the certifying entity prevent compliance and states 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 2 and

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

Section 4. (a) A certifying entity shall establish a rebuttable presumption of helpfulness for any victim who timely reports qualifying criminal activity and is willing to 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 a federal immigration authority 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 5. The secretary of public safety and security, in consultation with the attorney general, shall promulgate minimum standards for internal review processes, training and data reporting under this chapter. Each certifying entity shall report annually to the secretary aggregate data sufficient to evaluate compliance, including request volume, response times, approvals, denials and reasons for denial, in a manner that protects victim confidentiality.

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

In an action under this section, the court may issue emergency, long-term and permanent 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.