

HOUSE 5316:

**AN ACT PROMOTING RULE OF LAW, OVERSIGHT, TRUST
AND EQUAL CONSTITUTIONAL TREATMENT**

(summary reflects text as redrafted)

SPONSORS:

Senators Miranda, Gómez, Edwards, DiDomenico, Payano, Driscoll, Finegold, Kennedy, Lewis, Rausch, Barrett, Collins and Jehlen; and several members of the House of Representatives

LEGISLATIVE

HISTORY:

03/25/26 H5305, published as amended

Passed to be engrossed - 134 YEAS to 21 NAYS (See YEA and NAY No. 150)

04/30/26 Read and referred to the Committee on Senate Ways and Means

EXISTING LAWS

AFFECTED:

M.G.L. c. 12, c. 15, c. 33, c. 54, c. 71, c. 111, c. 147, c. 149 § 19C, c. 190B § 5-202, c. 221C, c. 233, c. 259 § 9, 258F

PROPOSED

LEGISLATION:

- Establishes a state-level cause of action against federal officers for any deprivation of rights, privileges or immunities under the United States Constitution.
- Restricts civil arrests, including federal civil immigration arrests, in child care facilities, public schools, certain health care providers and state courts.
- Prohibits a military force from another state from entering Massachusetts without permission of the Governor, unless otherwise authorized by federal law.
- Establishes a state civil violation for violations of certain federal laws pertaining to election poll protections.
- Prohibits, with certain exemptions, a law enforcement officer from:
 - Inquiring about, recording, or maintaining a person's citizenship or immigration status
 - Using or allowing the use of state or local resources for federal civil immigration enforcement
 - Conducting or participating in federal civil immigration enforcement
 - Stopping, arresting, searching, seizing or detaining a person based on their actual or perceived citizenship or immigration status

- Detaining a person based solely on an immigration detainer past the time the person would otherwise be eligible for release from custody
 - Transporting a person into an immigration agent's custody unless pursuant to a valid judicial warrant
 - Providing nonpublic personal information and certain other information to a federal immigration authority
- Prohibits law enforcement from entering into 287(g) agreements.
 - Requires employers, within 48 hours of receiving federal notice of I-9 employment enforcements, to provide notice to employees.
 - Allows parents to pre-arrange guardianship for their children in case they are detained or deported.
 - Provides for expanded indemnification authority for public employees acting within the scope of their duties in connection with federal investigations.
 - Ensures that immigrant victims of certain criminal activities, including trafficking, who help as witnesses have their special visa applications appropriately processed by state certifying entities.

ESTIMATED
FISCAL
IMPACT:

This legislation has no cost the Commonwealth.

(AHC)