

HOUSE No. 125

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

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 An act ensuring equal access to services for all residents of the commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Byron Rushing</i>	<i>9th Suffolk</i>
<i>Jay D. Livingstone</i>	<i>8th Suffolk</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>

HOUSE No. 125

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 125) of Byron Rushing and others for legislation to ensure equal access to services for certain residents of the Commonwealth, notwithstanding alienage or immigration status . Children, Families and Persons with Disabilities.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act An act ensuring equal access to services for all residents of the commonwealth.

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 30 of the General Laws is hereby amended by adding after section
2 65 the following new section:-

3 Section 66. (a) For the purposes of this section the following terms shall mean:

4 Program: any program, project or activity for the provision of services, financial aid, or
5 other benefits to individuals. This shall include, but not be limited to, education or training,
6 employment, health, welfare, rehabilitation, housing or other services, whether provided directly
7 by the recipient of funds of the commonwealth or provided by others through contracts or other
8 arrangements with the recipient.

9 Recipient: any political subdivision of the commonwealth or instrumentality thereof,
10 including quasi-public commissions, or any public or private agency, institution or organization,
11 or other entity, or any individual, in any political subdivision of the commonwealth to whom

12 funds of the commonwealth are extended, either directly or through another recipient, for any
13 program.

14 Recipient shall include any successor, assignee, or transferee thereof. It shall not include
15 any ultimate beneficiary under such program.

16 (b) It shall be the policy of the commonwealth to support and encourage any and all
17 residents in their attempts to obtain lawful immigration status and, if they choose, citizenship.
18 Nothing in this section shall prohibit an agency or employee of the commonwealth or recipient
19 of commonwealth funds from requesting the voluntary provision of information or
20 documentation regarding immigration status to the extent necessary to assist an individual in
21 resolving his or her immigration question when such assistance is part of a program's activities
22 and is consistent with this subsection.

23 (c)(1) No regulation, rule, or other requirement may be imposed by any agency or
24 employee of the commonwealth nor by a recipient of funds from the commonwealth which
25 denies any assistance, benefit, payment, service, or participation in any program or activity on
26 the basis of alienage or immigration status, except as required by federal law, state statute or
27 court decision.

28 (c)(2) No agency or employee of the commonwealth nor any recipient of commonwealth
29 funds shall request information about, investigate, or assist in the investigation of the alienage or
30 immigration status of any person unless such inquiry or investigation is required by federal law,
31 state statute or court decision; nor shall any such individual or entity maintain or disseminate
32 information regarding the citizenship or residency status of any person unless required to do so
33 by federal law, state statute or court decision; nor shall any such individual or entity share

34 information about any person, including but not limited to information regarding a person's place
35 of residence, with the federal Bureau of Immigration and Customs Enforcement unless required
36 to do so by federal law or court decision; nor shall any such individual or entity condition the
37 provision of any assistance, benefit, payment, service, or participation in any program or activity
38 on the basis of alienage or immigration status, unless required to do so by federal law, state
39 statute or court decision.

40 (d) Nothing in this section shall prohibit an agency or employee of the commonwealth or
41 a recipient of commonwealth funds from requesting information or documentation regarding
42 alienage or immigration status to the extent necessary to secure federal reimbursement for a
43 specific program so long as the provision of such information is voluntary and participation in
44 the program is not conditioned upon alienage or immigration status unless required by federal
45 law, state statute or court decision.