

HOUSE No. 2186

The Commonwealth of Massachusetts

PRESENTED BY:

Marc T. Lombardo

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 relative to sanctuary cities and towns.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>2/5/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/26/2021</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>2/26/2021</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>	<i>2/26/2021</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>2/26/2021</i>

HOUSE No. 2186

By Mr. Lombardo of Billerica, a petition (accompanied by bill, House, No. 2186) of Marc T. Lombardo and others for legislation to prohibit cities or towns from failing to enforce federal immigration laws by designating themselves as sanctuary cities and to withhold unrestricted general government aid to cities and towns for non-compliance. Municipalities and Regional Government.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to sanctuary cities and towns.

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 XX. Chapter 39 of the General Laws, as appearing in the 2014 Official
2 Edition, is hereby amended by adding the following new section:-

3 Section 1. As used in this act the following words shall, unless the context clearly
4 requires otherwise, have the following meanings:-

5 “Illegal immigrant”, an individual who is not a United States citizen and who is not
6 lawfully present in the United States.

7 “Political subdivision”, city, town, or country.

8 “Satisfactory immigration status”, immigration status under which an individual who is
9 not a United States citizen is lawfully present in this country.

Section 2. (a) A political subdivision may not enact an ordinance, adopt a resolution, or establish a policy that prohibits an employee of that political subdivision from doing any of the following:

1. Inquiring whether an individual who has been lawfully detained or arrested has satisfactory immigration status.

2. With regard to the immigration status of any individual who has been lawfully detained or arrested, sending the information to, or requesting or receiving information from, the federal government. Such information may include information regarding an individual's place of birth, and such information may be maintained by the political subdivision and may be exchanged with another political subdivision, another state, and with the federal government.

3. Assisting or cooperating with a federal immigration officer, including the provision of enforcement assistance.

4. Permitting a federal immigration officer to enter and conduct immigration enforcement activities in any building or facility under the control of the political subdivision.

(b) If a political subdivision has in effect on the effective date of this legislation, an ordinance, resolution, or policy that is inconsistent with par. (a), the ordinance, resolution, or policy does not apply and may not be enforced.

Section 3. (a) If the attorney general, a district attorney, or a police chief believes that a political subdivision is failing to comply with the requirements of sub. (2) (a), the attorney general, or the district attorney or police chief with the appropriate jurisdiction, may file a writ of mandamus with the Superior Court, for the county where the alleged failure to comply with sub.

(2) (a) occurred to compel the noncomplying political subdivision to comply with the requirements.

(b) If the court finds that the political subdivision has failed to comply with sub. (2) (a), the court shall notify the Department of Revenue of its finding of noncompliance and the Department of Revenue shall reduce the amount unrestricted government aid payments to the political subdivision in the following year by one of the following amounts for each day after the filing of an action under par. (a) that the political subdivision was noncompliant:

1. If the population of the political subdivision is less than 10,000, \$2,000.

2. If the population of the political subdivision is at least 10,000 but less than 100,000, \$5,000.

3. If the population of the political subdivision is at least 100,000 but less than 250,000, \$10,000.

4. If the population of the political subdivision is 250,000 or more, \$15,000.