

HOUSE No. 4833

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, July 10, 2024.

The committee on the Judiciary, to whom were referred the petition (accompanied by bill, Senate, No. 941) of Brendan P. Crighton for legislation relative to access to justice and the petition (accompanied by bill, House, No. 1438) of Michael S. Day and Marjorie C. Decker relative to interviews or questioning conducted for immigration investigations or enforcement purposes, reports recommending that the accompanying bill (House, No. 4833) ought to pass.

For the committee,

MICHAEL S. DAY.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to access to justice.

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. Section 167A of chapter 6 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after clause (i) the following clause:-

3 (j) The department shall not disclose to any federal agency or permit any federal agency
4 to access any files, data, or other information from the Massachusetts Registry of Motor Vehicles
5 for purposes of civil immigration enforcement, provided that information concerning a particular
6 identified individual may be disclosed upon receipt of a probable cause warrant signed by a
7 judge. The Attorney General is authorized to bring an action in state or federal court to quash,
8 modify, or otherwise contest any demand for information not in accordance with the
9 requirements of this paragraph.

10 SECTION 2. Section 172 of said chapter 6, as so appearing, is hereby amended by
11 inserting, in line 8, after the word “duties” the following words:- ; provided that criminal
12 offender record information shall not be accessed or disclosed for any non-criminal justice
13 purpose, including civil enforcement duties.

14 SECTION 3. Said section 172 of said chapter 6, as so appearing, is hereby further
15 amended by inserting, in line 161, after the word “databases” the following words:- ; provided
16 that criminal offender record information shall not be accessed or disclosed for any non-criminal
17 justice purpose, including civil enforcement duties.

18 SECTION 4. Section 24 of chapter 37 of the General Laws, as so appearing, is hereby
19 amended by inserting after clause (e) the following clause:-

20 (f) federal detainees housed in their facilities to and from the several divisions or
21 departments of the trial court, pursuant to a valid state court writ of habeas corpus.

22 SECTION 5. Chapter 147 of the General Laws, as so appearing, is hereby amended by
23 inserting after section 63 the following section:-

24 Section 64. (a) An interview or any questioning conducted for immigration investigation
25 or enforcement purposes of a person in the custody of any state or local law enforcement agency,
26 sheriff’s office, the department of correction, or Massachusetts court, shall take place only with
27 the written informed consent of the person in custody, unless otherwise required by federal law.
28 If the person in custody indicates that they wish to have an attorney present for an interview with
29 a federal agent, the custodian shall allow them to contact such attorney, and the interview shall
30 not take place until an attorney is made available for the use of the person in custody. The
31 custodian agency shall not be responsible for the payment of the person’s attorney’s fees and
32 expenses.

33 (b) The office of the attorney general shall prepare a uniform consent form in English and
34 other languages commonly spoken in Massachusetts for use pursuant to subsection (a), which
35 shall: (i) explain the purpose of the interview, that the interview is voluntary, that the person may

36 decline to be interviewed or may choose to be interviewed only with an attorney present, and that
37 the person may decline to sign any documents presented to them at the interview; and (ii)
38 document the person's consent or lack thereof, whether an interview took place, and, if so,
39 whether an attorney was present. Custodian agencies shall make their best efforts to provide a
40 form in a language that the person understands, and to provide interpretation if needed. Consent
41 forms shall be public records as defined in clause twenty-sixth of section 7 of chapter 4, provided
42 that the name, address, phone number and other personal identifying information regarding the
43 interview subject shall not be a public record.

44 (c) The provisions of paragraphs (a) and (b) shall not apply to persons in federal custody
45 who are held in a state or local facility pursuant to an intergovernmental contract.

46 (d) Court officers, clerks, probation department employees, other trial court
47 administrative personnel, prosecutors, and personnel of the prosecutor's office, may provide
48 federal agencies or agents with information relating to any person involved in matters before the
49 court only upon request and in the same manner and to the same extent as such information is
50 lawfully made available to the general public. Such officials shall not otherwise notify federal
51 agencies or agents of the presence of individuals attending proceedings in Massachusetts
52 courthouses, unless required by federal law.

53 (e) The superior court in the county where the person is held shall be authorized to hear
54 any claim in law or equity arising from violation of this section.

55 SECTION 6. Section 3 of chapter 258B of the General Laws, as so appearing, is hereby
56 amended by inserting after clause (w) the following clause:-

57 (x) for victims, family members, and witnesses, to not be asked by a law enforcement
58 agency, the prosecutor, personnel in the prosecutor's office, trial court personnel, or parole,
59 probation or corrections officials about their immigration status, or the immigration status of
60 their family members, unless such inquiry is required by federal or state law; provided that a
61 judge or magistrate may make such inquiries as are necessary to adjudicate matters within their
62 jurisdiction. The court may enter orders or conditions to maintain limited disclosure of any
63 information regarding immigration status as it deems appropriate to protect the liberty interests
64 of victims, family members and witnesses.