

MassSenate

The PROTECT Act: An Act Promoting Rule of Law, Oversight, Trust and Equal Constitutional Treatment

S.3072

Fact Sheet & Highlights

An Act promoting rule of law, oversight, trust and equal constitutional treatment—the PROTECT Act—prioritizes the safety of immigrants and all Massachusetts residents from the weaponization of federal immigration enforcement by the Trump administration.

The legislation guards against violations of all residents' Constitutional rights, promotes trust in local and state police, and curbs fear-inducing immigration actions at sensitive community locations, such as courts, houses of worship, public school grounds, and hospitals.

Young children, victims of crimes, and legal residents with complicated immigration statuses are among the groups who would be specifically protected and aided by provisions of the legislation.

Details of the legislation are below.

Ensuring Equal Treatment Under the Constitution

Guards Residents from Civil Rights Violations. Holds federal officers accountable for cases of excessive use of force that violate residents' Constitutional rights. Creates a new civil liability and holds federal agents to the same standards that municipal and state law enforcement officers must live up to.

Protects Residents from Discrimination. Prohibits state and local law enforcement from unnecessarily questioning a person about their immigration or citizenship status or stopping a person because of their citizenship or immigration status.

Fostering Trust Between Residents and Their Communities

Prohibits New 287(g) Agreements. Prohibits law enforcement agencies in Massachusetts from entering into new '287(g)' agreements, through which the federal government effectively deputizes local officials to carry out immigration enforcement duties.

Enhances Protections at Sensitive Locations. Prohibits officers from making warrantless civil immigration enforcement arrests at certain sensitive locations, including houses of worship, public school grounds, childcare facilities, health care providers, and state courts, so people can utilize these resources and fully participate in their communities. Additionally, the bill gives the Attorney General authority to help ensure compliance with federal protections against ICE or other federal law enforcement from deploying intimidation tactics at polling places.

Permits Pre-Arrangement of Guardianship. Allows parents to set up a pre-arranged guardianship plan for their children, to be put into action if the family is physically split up because the parents are detained or deported.

Overseeing a Focused Law Enforcement System

Prohibits State and Municipal Participation in Immigration Enforcement. State and local law enforcement officers would be prohibited from questioning someone or taking an action for the purpose of federal civil immigration enforcement. The legislation also prohibits detaining someone based on a civil immigration detainer or asking about civil immigration or citizenship status during a routine police stop unless necessary to enforce criminal law.

Preserves Authority to Investigate and Prosecute Crime. Makes clear that limits on law enforcement's cooperation with federal immigration enforcement do not hold back local or state officers from investigating or enforcing criminal law, including receiving personally identifying information during a lawful criminal investigation, communicating with federal authorities for purposes of conducting coordinated criminal investigations unrelated to federal civil immigration enforcement, complying with a valid judicial warrant or court order, or enforcing other federal or state laws.

Upholding the Rule of Law

Supports Victims of Crimes. Prioritizes the safety of immigrants who are victims of crime, including victims of human trafficking, when they are cooperating as witnesses in court proceedings. Expedites their special visa applications for faster processing by police or prosecutors to ensure they can continue to aid in an investigation or trial.

Protects Public Employees from Baseless Federal Probes. Shields certain municipal and state employees from being subjected to federal intimidation by creating an expanded authority for potential indemnification of public employees acting within the scope of their duties.

Blocks Unauthorized Deployment of Other States' National Guards in Massachusetts. Unless otherwise authorized under federal law, prohibits another state's national guard from entering Massachusetts without permission of the Governor.