



Safe Communities Act

S.1305 (Senator James Eldridge) and H.3269 (Juana Matias)

This bill is needed to protect the civil rights of all state residents, regardless of immigration status. With the protections in the Act, undocumented immigrants living in our communities will be more likely to come forward to report crimes, educate their children, seek health care, and cooperate with community policing efforts in our cities, towns, and counties.

What the bill does

- Prohibits law enforcement and RMV from allowing access to any data for the purpose of enforcing any federal registry program based on national origin, religion, or other protected characteristics. Thus, no Muslim Registry for example, in Massachusetts.
- Prohibits law enforcement from arresting or detaining someone solely for immigration enforcement purposes or an immigration detainer request (no longer allowed per SJC “Lunn decision”).
- Prohibits inquiries about citizenship or immigration status without just cause; discourages profiling and lessens fear of police.
- Prohibits collaboration agreements between ICE and local law enforcement for the purpose of deputizing local enforcement with the power of immigration officers, at state and local expense.
- Grants due process protections when federal immigration agents interview people in jails and prisons, including written consent to be interviewed. Miranda rights do not apply to civil immigration violations.
- Broadly prohibits use of state/local resources for immigration enforcement purposes (with some exceptions).

Additional issues/clarifications

- Keeping immigrants safe while within our borders will make them more likely to become active participants in our democracy.
- The bill does not protect those who have committed serious crimes, tie the hands of police investigating crime, violate any federal or state law, or prevent ICE from conducting immigration enforcement.
- Massachusetts healthcare providers report that fears of deportation compromise the health of all immigrants, particularly children, as they avoid contact with public programs and services.
- Only statewide legislation will ensure consistent law enforcement procedures. A patchwork of local ordinances and policies provides protections that are dependent on where one is when a crime should be reported or an emergency room visit is required. Immigrants will simply not know the local laws and therefore continue to avoid authorities.
- Massachusetts cannot assume that because some of our communities do not currently need the protections offered by this bill, those communities will never need them. We do not know what the federal government will propose next.

Action Needed

If your legislator is on the Joint Committee for Public Safety and Homeland Security, encourage him/her to vote the bill out of committee. *Senate:* Michael O. Moore, Chair; Michael Rush, Vice Chair. Members: Michael Brady, Sonia Chang-Diaz, William Brownsberger, Richard Ross; *House:* Harold Naughton, Chair; Alan Silva, Vice Chair. Members: Thomas Walsh, Bruce Ayers, James Dwyer, Rady Mom, Paul Tucker, Juana Matias, Chynah Tyler, Bud Williams, David Vierira, Davie Muradian, Peter Durant