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Representative Kane opposes PROTECT Act, citing its negative impact on MA police and public safety

BOSTON – State Representative Hannah Kane (R-Shrewsbury) recently opposed legislation that would set new parameters on how Massachusetts law enforcement interacts with federal Immigration and Customs Enforcement (ICE) officials, saying the proposed changes will seriously compromise public safety.

On March 25, the Massachusetts House of Representatives engrossed House Bill 5305, *An Act promoting rule of law, oversight, trust and equal constitutional treatment*, also known as the PROTECT Act, by a vote of 134-21. Representative Kane voted against the bill due to restrictions that she said will hinder the ability of Massachusetts police to help get violent offenders who are in the country illegally off the streets.

House Bill 5305 would prohibit warrantless arrests at courthouses and would allow the governor to establish additional spaces that would be protected from federal civil immigration enforcement. The bill would also prohibit the execution of 287(g) agreements with ICE except within the Department of Correction, while expanding immigration legal services afforded to inmates at correctional facilities, and providing state agencies and private entities with guidelines on how to interact with federal civil immigration enforcement operations.

Representative Kane said she believes that Massachusetts needs to be constructively engaged with ICE and support its stated mission to go after “the worst of the worst” to help keep our communities safe. Asking Massachusetts law enforcement to operate in the dark and not cooperate with ICE is a recipe for disaster, she said, adding that it would be best to allow police and the courts to work together with federal officials to help get dangerous criminals off our streets.

To that end, Representative Kane supported an amendment, filed by House Republican Leadership, to allow law enforcement officers to share private information about an individual with federal immigration authorities and provide advance notice of their release date if the individual has been convicted of certain serious crimes, including attempted murder, rape of a child, assault and battery on an elderly or disabled person, and enticement of a child under the age of 18 to engage in prostitution, human trafficking or commercial sexual activity. The amendment was adopted on a vote of 154-0.

Representative Kane also supported an amendment, filed by Representative David Vieira (R-Falmouth) to strike language from the bill requiring employers to provide written notice to their employees after receiving notice of a planned ICE inspection of I-9 employment eligibility verification forms or other employment records. The bill mandates that this employee notification be provided within 48 hours of the employer receiving the notice, but supporters argued that it places an unnecessary financial burden on employers and should instead be a voluntary option. The amendment was rejected on a voice vote.

Under the bill, law enforcement would be prohibited from conducting the civil arrest of an individual present at a courthouse unless the arrest is supported by a judicial warrant or judge-signed court order. An amendment offered by Representative John Gaskey (R-Carver) would include warrants issued by immigration judges of the

Executive Office for Immigration Review under the definition of a “judicial warrant” or “judicial order.” The amendment was rejected on a voice vote.

Representative Kane also expressed concerns about the bill’s potential impact on the state’s courts, noting that Chief Justice of the Trial Court Heidi Brieger testified at a Ways and Means hearing the day before the House debate that over the years, the courts have practiced a form of “soft diplomacy” to keep ICE agents from making courtroom arrests. That includes allowing court officers contacted by ICE to answer questions pertaining to whether or not a specific individual is at the courthouse “if that information is public.” Representative Kane said the changes included in House Bill 5305 could preclude that type of cooperation between ICE and the courts in the future.

Representative Kane criticized Congress for dropping the ball on passing comprehensive immigration reform, saying it has abdicated its responsibility on this critical issue for years while state and local governments have been left dealing with the fallout. She said Congress should focus its efforts on finding ways to promote legal immigration and a clear path to citizenship.

Representative Kane said it is important that everyone targeted by ICE be provided with due process but noted that ICE agents need help from local law enforcement to identify and punish dangerous criminals. Encouraging cooperation between state and federal officials, she said, will help to protect all residents, including protestors, other immigrants, and the public.

House Bill 5305 now moves to the Senate for its consideration.

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