HOUSE DOCKET, NO. FILED ON: 1/12/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Byron Rushing**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 passage of the accompanying bill:

An Act ensuring equal access to services for all residents of the Commonwealth.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Byron Rushing | 9th Suffolk |
| Pam Richardson | 6th Middlesex |
| Kay Khan | 11th Middlesex |
| Tom Sannicandro | 7th Middlesex |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 133 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act ensuring equal access to services for all residents of the Commonwealth.

 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

 SECTION 1. Chapter 30 of the General Laws is hereby amended by adding

after section 64 the following new section: —

Section 65. (a) For the purposes of this section the following

terms shall mean:

Program: any program, project or activity for the provision of

services, financial aid, or other benefits to individuals. This shall

include, but not be limited to, education or training, employment,

health, welfare, rehabilitation, housing or other services, whether

provided directly by the recipient of funds of the commonwealth

or provided by others through contracts or other arrangements

with the recipient.

Recipient: any political subdivision of the commonwealth or

instrumentality thereof, including quasi-public commissions, or

any public or private agency, institution or organization, or other

entity, or any individual, in any political subdivision of the

commonwealth to whom funds of the commonwealth are extended,

either directly or through another recipient, for any program.

Recipient shall include any successor, assignee, or transferee

thereof. It shall not include any ultimate beneficiary under such

program.

(b) It shall be the policy of the commonwealth to support and

encourage any residents in their attempt to obtain legal immigration

status and, if they choose, citizenship. Nothing in this section

shall prohibit an agency or employee of the commonwealth or

recipient of commonwealth funds from requesting information or

documentation regarding immigration status to the extent necessary

to assist an individual in resolving an immigration question

when such assistance is part of a program’s activities and is consistent

with this subsection.

(c)(1) No regulation, rule, or other requirement may be imposed

by any agency or employee of the commonwealth nor by a recipient

of funds from the commonwealth which denies any assistance,

benefit, payment, service, or participation in any program

or activity on the basis of alienage or immigration status, except

as required by federal or state statute, or court decision.

(c)(2) No agency or employee of the commonwealth nor any

recipient of commonwealth funds shall request information about,

investigate, or assist in the investigation of the alienage or immigration

status of any person unless such inquiry or investigations

required by federal or state statute, or court decision; nor shall any

such individual or entity disseminate information regarding the

citizenship or residency status of any person unless required to do

so by federal or state statute, or court decision; nor shall any such

individual or entity condition the provision of any assistance, benefit,

payment, service,or participation in any program or activity

on the basis of alienage or immigration status, unless required to

do so by federal or state statute, court decision, or except insofar

as may be lawfully imposed on those persons who are committed

to the custody of the department of corrections.

(d) Nothing in this section shall prohibit an agency or employee

of the commonwealth or a recipient of commonwealth funds from

requesting information or documentation regarding alienage or

immigration status to the extent necessary to secure federal reimbursement

for a specific program.