

HOUSE No.

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

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:*

1 SECTION 1. Chapter 30 of the General Laws is hereby amended by adding
2 after section 64 the following new section: —
3
4 Section 65. (a) For the purposes of this section the following
5 terms shall mean:
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7 Program: any program, project or activity for the provision of
8 services, financial aid, or other benefits to individuals. This shall
9 include, but not be limited to, education or training, employment,
10 health, welfare, rehabilitation, housing or other services, whether
11 provided directly by the recipient of funds of the commonwealth
12 or provided by others through contracts or other arrangements
13 with the recipient.

14

15 Recipient: any political subdivision of the commonwealth or
16 instrumentality thereof, including quasi-public commissions, or
17 any public or private agency, institution or organization, or other
18 entity, or any individual, in any political subdivision of the
19 commonwealth to whom funds of the commonwealth are extended,
20 either directly or through another recipient, for any program.

21 Recipient shall include any successor, assignee, or transferee
22 thereof. It shall not include any ultimate beneficiary under such
23 program.

24

25 (b) It shall be the policy of the commonwealth to support and
26 encourage any residents in their attempt to obtain legal immigration
27 status and, if they choose, citizenship. Nothing in this section
28 shall prohibit an agency or employee of the commonwealth or
29 recipient of commonwealth funds from requesting information or
30 documentation regarding immigration status to the extent necessary
31 to assist an individual in resolving an immigration question
32 when such assistance is part of a program's activities and is consistent
33 with this subsection.

34

35 (c)(1) No regulation, rule, or other requirement may be imposed
36 by any agency or employee of the commonwealth nor by a recipient
37 of funds from the commonwealth which denies any assistance,
38 benefit, payment, service, or participation in any program
39 or activity on the basis of alienage or immigration status, except

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

41

42 (c)(2) No agency or employee of the commonwealth nor any
43 recipient of commonwealth funds shall request information about,
44 investigate, or assist in the investigation of the alienage or immigration
45 status of any person unless such inquiry or investigations
46 required by federal or state statute, or court decision; nor shall any
47 such individual or entity disseminate information regarding the
48 citizenship or residency status of any person unless required to do
49 so by federal or state statute, or court decision; nor shall any such
50 individual or entity condition the provision of any assistance, benefit,
51 payment, service, or participation in any program or activity
52 on the basis of alienage or immigration status, unless required to
53 do so by federal or state statute, court decision, or except insofar
54 as may be lawfully imposed on those persons who are committed
55 to the custody of the department of corrections.

56

57 (d) Nothing in this section shall prohibit an agency or employee
58 of the commonwealth or a recipient of commonwealth funds from
59 requesting information or documentation regarding alienage or
60 immigration status to the extent necessary to secure federal reimbursement
61 for a specific program.

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