

H.5293 - An Act promoting rule of law, oversight, trust, and equal constitutional treatment ("The PROTECT Act")

Overview

The PROTECT Act establishes statewide standards governing interactions between state and local systems and federal immigration enforcement. It strengthens due process protections, limits civil immigration enforcement in courthouses, expands protections for victims of crime, and increases transparency, accountability, and clarity for correctional facilities and law enforcement.

Detention & Legal Access

Creates uniform standards for individuals in correctional facilities. It requires notice of legal rights in a person's primary language at intake, guarantees confidential attorney-client communication, and mandates timely tracking of custody status and transfers with notice to counsel and designated contacts. Corrections facilities must provide interpretation services for key interactions and ensure access to court proceedings, including remote options. A public-facing system for locating detained individuals is also required.

Limits on Law Enforcement

Restricts state and local involvement in federal civil immigration enforcement. It prohibits law enforcement from inquiring about immigration status unless directly material to a specific criminal offense (for example: human trafficking) and bars the use of local resources for civil immigration enforcement. It limits the sharing of nonpublic information and advance release notifications.

Prohibits law enforcement agencies and political subdivisions from executing, renewing, or materially expanding a 287(g) memorandum of agreement, allowing only narrow, time-limited exceptions tied to criminal public safety purposes – coupled with oversight and reporting.

Worker Notification

Employers must provide written notice to employees within 48 hours of receiving a federal immigration inspection notice, such as an I-9 audit.

Courthouse Arrest Protections

Limits civil arrests in courthouses by requiring a judicial warrant or order and review by a judicial official. Except in extraordinary circumstances, as determined by the judicial official, prohibits a civil arrest from being made in a courtroom.

U & T Visa Certification Reform

Reforms the certification process for victims of crime and human trafficking. It broadens qualifying criminal activity, clarifies that charges or convictions are not required, and mandates

clear policies and timelines for certifying entities, including expedited review in urgent cases. It creates a presumption of helpfulness for cooperating victims, prohibits fees and retaliation, and requires data reporting to ensure accountability.

Bail Consideration

Courts may consider the likelihood of imminent deportation when making bail determinations.

State Facilities & Guidance

Authorizes the Governor to restrict civil immigration enforcement in nonpublic areas of state facilities, and requires multilingual guidance for agencies, private entities, law enforcement, and the public. The guidance addresses how to respond to enforcement actions, verify credentials, document interactions, and understand individual rights.

Enforcement

The attorney general is authorized to enforce key provisions through civil actions, with courts empowered to order compliance, monitoring, and reporting. Specifies that there is no private right of action, except an individual may apply for a writ of habeas corpus if the individual has reasonable cause to believe a violation occurred.