

ROLL CALL TRAINER

The PROTECT Act and Protected Places

The Governor signed **Chapter 163 of the Acts of 2026**, known as the PROTECT Act, on August 5, 2026.

Among other provisions, the act restricts civil arrests at certain places absent a judicial warrant or judicial order. The effective dates differ, and the difference matters. The protections for **schools, child care programs, and health care facilities are in effect now**. The courthouse chapter, G.L. c. 221D, takes effect **November 3, 2026**.

WHAT THE ACT SAYS

For schools and child care, the act provides that, except as required by state or federal law or as required to administer a state or federally supported or funded program, arrests for civil law enforcement are not permitted on the protected premises without a judicial warrant or judicial order. The health care provision is worded the same way but requires a judicial warrant. “Civil law enforcement” means efforts to investigate, enforce, or assist in the investigation or enforcement of civil law, including any federal civil immigration law. An arrest on criminal charges is not civil law enforcement.

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CHILD CARE. G.L. c. 15D, § 23. IN EFFECT NOW.

The premises of an EEC-licensed or funded child care center, family child care home, school-aged child care program, or group care facility, including a private residence used for licensed family child care and the outdoor space where the residence or facility sits.

2

SCHOOLS (K-12 AND SPECIAL EDUCATION). G.L. c. 71, § 102. IN EFFECT NOW.

School grounds, meaning any building or property owned or controlled by a school or district in the same reasonably proximate area and used for the school’s educational or athletic purposes. Covers public schools, charter schools, vocational and agricultural schools, collaborative schools, and special education day and residential schools.

3

HEALTH CARE. G.L. c. 111, § 251. IN EFFECT NOW.

The protection is narrower than people assume. It bars civil arrests only in areas the provider has **designated as nonpublic**, and providers have until October 4, 2026 to adopt those designations. Public lobbies and waiting areas are not automatically covered. **Prisoner watches and hospital transports are unaffected**: guarding or transporting a prisoner is not an arrest for civil law enforcement, and the statute expressly protects the provision of medical care to a detainee in custody. Covered providers include hospitals, community health centers, clinics, nursing and rest homes, EMS, substance use treatment programs, and certain licensed practices.

4

COURTHOUSES. G.L. c. 221D. EFFECTIVE NOVEMBER 3, 2026.

The interior of any facility where a court of the commonwealth conducts business, plus the curtilage: lawns, plazas, courtyards, steps, ramps, sidewalks, walkways, any judicial branch garage, driveway, or parking lot contiguous to the courthouse, and the walkways connecting them. Courthouses get the broader rule described on page 2.

A NOTE ABOUT COURTHOUSES

At the other protected places, the act bars "arrests for civil law enforcement." At courthouses, starting November 3, the act bars "civil arrests," a term the courthouse chapter defines narrowly. A "civil arrest" is any arrest that is **not**: (i) for criminal prosecution under the law of the commonwealth or another U.S. jurisdiction where imprisonment is authorized, or under federal criminal law where imprisonment is authorized and an initial appearance before a federal judicial officer is required; (ii) for contempt of court; (iii) on a capias issued by a judge of the commonwealth; (iv) on a parole warrant (G.L. c. 127, § 149A) or probation warrant (G.L. c. 279, § 3); (v) on a Governor's warrant (G.L. c. 276, § 16); or (vi) related to an application for commitment under G.L. c. 123, § 12.

The courthouse chapter defines "civil arrest" and lists what it excludes. The school, child care, and health care sections use the broader, undefined phrase "arrests for civil law enforcement," and the courthouse exclusions do not carry over to them. For a municipal officer the practical rule is the same in all four places: an arrest on criminal charges is never barred.

Those exclusions cover essentially everything a municipal officer does at a courthouse. Criminal arrests, capias service, and § 12 matters proceed as they always have.

The rare civil arrest (as defined in the courthouse provision) requires two things: the officer must be acting in an official capacity, and the officer must first present documentation to a designated judge, justice, or judicial magistrate sitting in that courthouse showing the person is the subject of a judicial warrant or order authorizing civil arrest, for prompt review. **In a courtroom, no civil arrest may be made. There are no exceptions.**

Take the courthouse chapter seriously. It provides that an arrest or detention in violation of it constitutes false imprisonment as defined in G.L. c. 263, § 3. Elsewhere in the act, enforcement is civil and belongs to the Attorney General.

IF YOU ARE DISPATCHED TO A PROTECTED PLACE WHERE FEDERAL AGENTS ARE OPERATING

You have **no duty to interfere and no duty to assist**. Every protected place section says so in nearly identical words: nothing in the section requires a state or local officer to interfere with or assist a federal official engaged in civil immigration enforcement.

You have **no authority to enforce the act**. The sections state that they confer no authority, obligation, or responsibility on state or local officers to enforce, interpret, supervise, or assess compliance with them. Enforcement belongs to the Attorney General, and aggrieved individuals have their own remedies.

Do not physically interfere with federal agents. The PROTECT Act does not authorize it, and interference with federal officers carries potential federal criminal exposure that is personal to you.

Your role is peacekeeping, scene safety, and the enforcement of criminal law if a crime occurs. Do not take assignments from the federal operation.

Notify your supervisor. Document what you observed, when, and the reasons for any action you took.

EMERGENCY RESTRAINTS UNDER G.L. c. 123, § 12

A § 12 emergency restraint is not an arrest, and taking a person in crisis for an emergency psychiatric evaluation is not enforcement of a civil law against that person. **Do not hesitate to act on a genuine emergency** at a school, a child care program, or a hospital. Write it up as a § 12 restraint rather than an arrest, and state the medical or protective basis. At courthouses, § 12 applications are expressly excluded from the definition of civil arrest.

CHECK YOUR UNDERSTANDING

Hospital staff call because federal agents are in the emergency department waiting area. What is your role?

Peacekeeping and criminal enforcement only. Whether the agents' presence complies with the act is not yours to decide or enforce; that belongs to the provider, the Attorney General, and the courts. Keep the peace, address any crime, notify a supervisor, and document.

A student is in psychiatric crisis at the high school and meets the § 12 standard. May you restrain and transport on school grounds?

Yes. A § 12 restraint is not a civil arrest and the act does not restrict it. Act on the emergency and document the basis.

On November 5 you are at district court to arrest a man on a capias. Does c. 221D stop you?

No. A capias issued by a judge of the commonwealth is excluded from the definition of civil arrest. Proceed as you always have.

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This trainer is a roll call training summary of St. 2026, c. 163 and the statutes it enacts, issued jointly by the Executive Office of Public Safety and Security, the Municipal Police Training Committee, and the Massachusetts Chiefs of Police Association. The statutes and your department's policies control over this summary. Direct questions to your chief of police, who may consult municipal counsel.