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Temporary Guidelines on Prohibited Uses of Nonpublic Areas of State Property

September 4, 2026

The Governor's Office and the Executive Office for Administration and Finance (A&F) issue this guidance pursuant to *An Act promoting rule of law, oversight, trust and equal constitutional treatment* ("PROTECT Act" or "Act"). [Stat. 2026, c. 163, §§ 1-24.](#)

I. Introduction

On August 5, 2026, Governor Maura Healey signed the PROTECT Act, codifying, among other things, G.L. c. 6, §§ 224-225. Section 225(a) authorizes the Governor to "prohibit, or otherwise limit, in nonpublic areas of any state entity, civil [law] enforcement activities." Section 224 defines "state entity" broadly to mean "any land, building or part thereof, owned, leased, occupied, controlled by or used for business by the commonwealth, except for state courthouses."

Pursuant to the authority vested in her under Section 225(a), the Governor hereby prohibits all civil law enforcement activities, including federal immigration enforcement, in nonpublic areas of state entities unless those activities are (1) required by state or federal law or required to administer a state or federally supported or funded program; (2) authorized by a valid Judicial Warrant or Judicial Order; or (3) necessary to address a specific and immediate health or safety threat, described more fully below. To implement this directive, state agencies, constitutional offices, independent state agencies, quasi-public agencies, public institutions of higher education and any other body that controls or uses state entities for Commonwealth business (together "Commonwealth entities and agencies") must (1) evaluate those properties and designate areas as nonpublic; and (2) memorialize and make those designations known.

The Governor's Office and A&F issue these temporary guidelines, pending promulgation of final regulations on the prohibited uses of nonpublic areas of state property. *See* Stat. 2026, c. 163, §§ 1 and 17. These guidelines are intended to (1) notify the public of the limitations imposed by the Governor under Section 225(a) and (2) assist Commonwealth entities and agencies in implementing those limitations consistent with the Act and in a manner that ensures

people can access essential public services and conduct business with state government, without fear or intimidation.

Nothing in G.L. c. 6, § 225(a), or these guidelines prevents a law enforcement agency from engaging in civil law enforcement consistent with relevant constitutional, state, and federal law. Likewise, nothing in Section 225(a), or these guidelines prevents a law enforcement agency from engaging in criminal law enforcement activities (e.g., efforts to investigate, enforce or assist in the investigation or enforcement of state or federal criminal law), on their own or jointly with other federal, state, county, municipal, or district law enforcement agencies, so long as they do not undertake that work for the purpose of conducting or participating in federal civil immigration enforcement. *Accord* Stat. 2026, c. 163, § 7 (codifying G.L. c. 147, § 64 (d)).¹

II. Definitions

These guidelines use the following words and phrases consistent with the PROTECT Act unless the context clearly requires otherwise:

“Civil arrest” means an arrest that is not for the purpose of preparing the person subject to such arrest for criminal prosecution for an alleged violation of a state or federal criminal law. Civil arrests may be authorized by, among other things: (1) a parole warrant issued under G.L. c. 127, § 149A, or a probation warrant issued under G.L. c. 279, § 3; (2) state law permitting protective custody for incapacitated and intoxicated persons, G.L. c. 111B § 8, or (3) an administrative warrant issued by a federal agency like the United States Immigration and Customs Enforcement (ICE) agency for violations of the federal Immigration and Nationality Act, or related civil immigration enforcement efforts.

“Civil law enforcement” means efforts to investigate, enforce or assist in the investigation or enforcement of state or federal civil law, including, but not limited to, any federal civil immigration law.²

¹ Law enforcement agencies should be mindful of other parts of the PROTECT Act, not addressed in these guidelines, prohibiting them from using or allowing the use of state or local resources for federal immigration enforcement, Stat. 2026, c. 163, § 7 (codifying G.L. c. 147, § 64(b)(iii)), and prohibiting civil arrests in public schools, child care centers, health care facilities, and courthouses, except in certain enumerated circumstances. Stat. 2026, c. 163, §§ 3-5, 12. Those provisions may further limit the use of property controlled or used for business by state-level law enforcement agencies and certain aspects of their work.

² The term “civil law enforcement,” as used in these guidelines, has the same meaning as the term “civil immigration enforcement,” as used in the PROTECT Act. *See* Stat. 2026, c. 163, § 1 (defining “civil immigration enforcement” to mean “efforts to investigate, enforce or assist in the investigation or enforcement of civil law, including, but not limited to, any federal civil immigration law”). For added context, civil law enforcement often relates to preventative detention for an individual’s safety or security, enforcement of civil actions in court, or immigration law enforcement. In contrast, criminal law enforcement involves the investigation

“Judicial Warrant” or “Judicial Order” refers to an arrest warrant or other judicial order, signed by a judge or magistrate sitting in the judicial branch of a local or state government or of the federal government, authorizing an arrest. *See* Appendix A for examples.

“Law enforcement agency” means (i) a state, county, municipal or district law enforcement agency, including, but not limited to: (A) a city, town or district police department; (B) the office of environmental law enforcement; (C) the University of Massachusetts police department; (D) the department of the state police; (E) the Massachusetts Port Authority police department, also known as the Port of Boston Authority police department; and (F) the Massachusetts Bay Transportation Authority police department; (ii) a sheriff’s department in its performance of police duties and functions; (iii) a public or private college, university or other educational institution or hospital police department; (iv) a federal law enforcement agency; or (v) a humane society police department in section 57 of chapter 22C.

“Law enforcement officer” or “officer” means (i) any officer of a law enforcement agency, including, but not limited to, the head of the law enforcement agency; (ii) a special state police officer appointed pursuant to section 57, section 58 or section 63 of chapter 22C; (iii) a special sheriff appointed pursuant to section 4 of chapter 37 performing police duties and functions; (iv) a deputy sheriff appointed pursuant to section 3 of said chapter 37 performing police duties and functions; (v) a constable executing an arrest for any reason; or (vi) any other special, reserve or intermittent police officer.

“State agency” means (i) any department, board, commission, division or authority of the state government or subdivision of any of the foregoing, or official of the state government, authorized by law to make regulations or to conduct adjudicatory proceedings; (ii) the general court and any special legislative commission created by the general court; and (iii) any quasi-state agency.

“State entity” means any land, building or part thereof, owned, leased, occupied, controlled by or used for business by the Commonwealth, except for state courthouses.

III. Designating and Limiting Use of Nonpublic Areas of State Entities³

A. Meaning and Scope of “State Entities”

As noted above, the PROTECT Act defines “state entity” broadly to mean any land, building or part thereof owned, leased, occupied, controlled, or used for business by the Commonwealth, except for state courthouses. This includes buildings, walkways, parking lots, vacant lots, and other physical space controlled or used for Commonwealth business by the

and enforcement of state or federal criminal laws (like those outlawing theft and assault). Note that law enforcement officers can engage in civil law enforcement and criminal law enforcement.

³ Note that some state agencies, like public health hospitals, may be subject to multiple provisions of the PROTECT Act and implementing guidance. State agencies should consult with counsel to ensure compliance with all applicable requirements.

Governor, Executive Offices, and state agencies; other state Constitutional offices (e.g., the Attorney General, the State Treasurer and Receiver, the State Auditor, the Secretary of the Commonwealth, District Attorneys, and Sheriff Departments); independent agencies; quasi-public agencies; and public institutions of higher education. For ease of reference, these offices, agencies, and other bodies are referred to herein as “Commonwealth entities and agencies.”

Examples of “state entities” include but are not limited to:

- John W. McCormack Building and other buildings owned, managed and used for business by the Commonwealth
- Office space owned, leased, controlled or used by Commonwealth entities and agencies
- The State House
- Campuses of public institutions of higher education

For purposes of implementing these guidelines, the Commonwealth entity or agency that has care and control over or occupies the space for their day-to-day business is responsible for evaluating the space and designating areas “nonpublic.” DCAMM is responsible for evaluating whether common areas in DCAMM-controlled property, such as the McCormack Building and the Springfield State Office Building, should be designated “nonpublic.”

Likewise, to the extent Commonwealth entities and agencies may lease space in a private building, such as 100 Cambridge Street, only those areas leased by the Commonwealth entity or agency and used by them for Commonwealth business should be considered part of the “state entity” for purposes of the PROTECT Act. Thus, common lobbies, public hallways and other common areas in the private building that are open to the general public and/or other lessees do **not** fall within the meaning of “state entity.” Courthouses and property owned, leased, occupied, controlled, or used for business by municipal or local government bodies also fall outside the scope of the statutory definition, although courthouses are covered by other parts of the PROTECT Act.

B. Identifying and Designating Nonpublic Areas

State entities may have public and nonpublic areas. Following passage of the PROTECT Act, civil law enforcement activities, including civil arrests, are **not** allowed in designated nonpublic areas of state entities unless (1) required by state or federal law or as required to administer a state or federally supported or funded program; (2) authorized by a valid Judicial Warrant or Judicial Order; or (3) necessary to address a specific and immediate health or safety threat. *See* Section III(C).

To operationalize this directive, Commonwealth entities and agencies must evaluate their state entities (e.g., property) and designate appropriate areas as “nonpublic,” using the following principles. Commonwealth entities and agencies may also want to identify whether certain areas are open to the public only during certain days, times, or parts of the year.

1. Commonwealth entities and agencies should make the required designation(s) in a manner that (i) reflects the nature of the physical space(s) and the services rendered therein, and (ii) ensures people can access essential public services or conduct business with state government, without fear or intimidation.
2. Nonpublic areas of a state entity are closed to the public or otherwise reserved for use by people affiliated with the Commonwealth entity or agency (e.g., employees, contractors, volunteers, students, patients, and program participants) or those seeking services from the Commonwealth entity or agency (e.g. students, residents, patients, and those receiving care or applying for benefits). Where a state entity is used for housing or shelter, residential rooms and spaces, including individual or shared bathrooms, kitchens, and dining areas, are nonpublic as well.
3. Nonpublic areas are often, but not always, accessible only with permission. Employees and residents may need an access badge, code, or key to enter; and patients, program participants or members of the public may need to sign-in with security or be admitted by an employee of the Commonwealth entity or agency.
4. Public areas are accessible to members of the general public; anyone can enter without permission or special access requirements (such as using a badge, signing in, or going through a security screening). Public areas may include entrances, lobbies, waiting rooms and parking lots that do not require special access or limit presence to those seeking a service from the entity. Commonwealth entities and agencies, however, may choose to designate these and other areas as “nonpublic” for purposes of the PROTECT Act and thus restrict who may enter or remain in the area, the purpose and activities for which the area may be used, and who may be asked to leave, subject to applicable laws.

Examples of nonpublic areas of state entities may include, but are not limited to:

- Areas that require security screening or badge access to enter;
- Offices, conference rooms, locker and break rooms, and hallways used by employees for Commonwealth business and that are not accessible to the public;
- Areas of state agency field offices or similar locations where caseworkers meet with clients about their individual cases;
- Parking lots or garages reserved for use by people affiliated with the Commonwealth entity or agency;
- Lecture halls, dormitories, research laboratories, and faculty and staff offices on a public college or university campus.

Commonwealth entities and agencies must memorialize and make known the nonpublic designations they make pursuant to the Act. This may be done through written policy, memorandum, or other writing, including posting to an official website. Commonwealth entities

and agencies should describe the designated “nonpublic” areas with sufficient detail for persons affiliated with the entity or agency, law enforcement, and the general public to understand the designations. This may be accomplished with general statements (e.g., “all areas used for official business by [Commonwealth entity or agency] for which badge access is required are nonpublic”) or by reference to particular places, as appropriate and in the discretion of the Commonwealth entity or agency. Commonwealth entities and agencies are encouraged to use signage, where feasible, to designate nonpublic areas of their state entities.

C. Prohibited Conduct

As stated above, civil law enforcement activities—including but not limited to civil arrests, as defined above—are prohibited in areas designated by Commonwealth entities and agencies as “nonpublic,” unless one of the following three circumstances apply:

- Required by state or federal law or required to administer a state or federally supported or funded program;
- Authorized by a valid Judicial Warrant or Judicial Order; or
- Necessary to address a specific and immediate health or safety threat

Commonwealth offices and agencies are encouraged to designate a supervisor, administrator, or legal counsel to be notified of the presence of, or requests from, law enforcement officers engaged in civil law enforcement. They should ensure that the designated contact person is familiar with these exceptions, including the following:

State or federal laws and funded programs: Commonwealth entities and agencies are subject to different state and federal laws and administer different state or federally funded/supported programs. Given the variation across governmental entities, Commonwealth entities and agencies should consider proactively conferring with legal counsel to understand what, if any, laws or funding requirements might require them to allow civil law enforcement activities in nonpublic areas. They should also consider adopting procedures for evaluating any claims by law enforcement officers that the officers are legally authorized, under a state or federal law or funding requirement, to conduct civil law enforcement activities in nonpublic areas.

Judicial Warrants or Judicial Orders: Commonwealth officers and agencies are encouraged to designate a supervisor, administrators, or legal counsel to review any documentation provided by law enforcement officers. As a guide, Judicial Warrants and Judicial Orders are documents issued by a judge or magistrate sitting in the judicial branch of state or federal government. These documents authorize a search of a specific place or an arrest of a specific person based on sufficient information to support that a crime has been committed (“probable cause”). A Judicial Warrant is: (1) signed by a judge, magistrate, or assistant clerk magistrate and dated; (2) issued by a court; and (3) includes the location to be searched or the persons or items to be seized/arrested. A Judicial Order may take many forms but should include: (1) the caption of a court case; (2) the name of the court; and (3) a judge, clerk magistrate, or

assistant clerk magistrate's signature, with a date. Examples are included in the Appendix to these guidelines.

Specific and immediate health and safety threat: This exception is a narrow one, intended to preserve the ability of law enforcement officers to respond to a specific and immediate threat posing a serious risk of imminent death or serious bodily injury to a person. Examples of such threats include circumstances authorizing a temporary hold under G.L. c. 123 § 12.⁴ Other specific and imminent health and safety threats include those that, without law enforcement intervention, may result in death or serious bodily injury to a person.

D. Implementation

As noted, Commonwealth entities and agencies must memorialize and make known their nonpublic designations, in a manner that suits their governance structure and community needs. Commonwealth entities and agencies are encouraged to adopt procedures advising employees, staff, and administrators on how to handle interactions with law enforcement officers engaged in or attempting to engage in civil law enforcement at state entities. Such procedures may include the elements described in the newly enacted G.L. c. 6, § 226(a)(i), including but not limited to the designation of a contact person to be notified of law enforcement presence and/or requests on the state entity and verifying the identity and authority of any law enforcement officers engaged in civil law enforcement.⁵ The Governor's Office and the Office for Refugees and Immigrants are available to assist in these efforts.

⁴ Most other forms of temporary holds, such as those for mental illness or substance abuse, require a judge to issue a warrant or an order, and therefore fall under the "Judicial Warrant or Order" exception. *See, e.g.*, G.L. c. 123 § 7 (court-ordered hold due to mental illness); G.L. c. 123 § 35 (court-ordered hold due to substance abuse)

⁵ The Governor's Office will issue guidance for state agencies and private entities on this topic, as required by Section 226(a)(i) and Stat. 2026, c. 163, § 17. This guidance will be made available to other Commonwealth offices and agencies, as well.

APPENDIX A

Sample Judicial Warrants and Administrative Warrants

Figure 1: State Court Judicial Warrant

APPLICATION FOR SEARCH WARRANT G.L. c. 276, §§ 1-7	TRIAL COURT OF MASSACHUSETTS	
NAME OF APPLICANT [REDACTED]	SUPERIOR ESSEX	COURT DEPT. DIVISION
POSITION OF APPLICANT Trooper, Massachusetts State Police	SEARCH WARRANT DOCKET NUMBER	

I, the undersigned APPLICANT, being duly sworn, depose and say that:

1. I have the following information based upon the attached affidavit(s), consisting of a total of 77 pages, which is (are) incorporated herein by reference.
2. Based upon this information, there is PROBABLE CAUSE to believe that the property described below:

☐	<i>has been stolen, embezzled, or obtained by false pretenses.</i>
☒	<i>is intended for use or has been used as the means of committing a crime.</i>
☐	<i>has been concealed to prevent a crime from being discovered.</i>
☒	<i>is unlawfully possessed or concealed for an unlawful purpose.</i>
☒	<i>is evidence of a crime or is evidence of criminal activity.</i>
☐	<i>other (specify):</i>
3. I am seeking the issuance of a warrant to search for the following property (*describe the property to be searched for as particularly as possible*):
See Addendum A, which is incorporated herein by reference.
4. Based upon this information, there is also probable cause to believe that the property may be found (*check as many as apply*):

☒	<i>at (identify the exact location or description of the place(s) to be searched):</i>
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APPENDIX A

Sample Judicial Warrants and Administrative Warrants

Figure 2: Administrative “ICE Warrant” and Federal Court Judicial “Search Warrant”

The left sample is an administrative warrant, which does **not** give federal immigration officers legal authority to enter non-public areas of state entities. An administrative warrant may include an ICE Form number, e.g. ICE Form I-205 or ICE Form I-200. The right example is a judicial warrant from a federal court.

From Department of Homeland Security

U.S. DEPARTMENT OF HOMELAND SECURITY Warrant for Arrest of Alien

File No. _____
Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer) _____
(Printed Name and Title of Authorized Immigration Officer) _____

Signed by Immigration Officer

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location) on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

Name and Signature of Officer

Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/14)

From a specific US District Court

AO 93 (Rev. 01/09) Search and Seizure Warrant

UNITED STATES DISTRICT COURT
for the
Southern District of California

In the Matter of the Search of _____
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. _____
'14 MJ 0396

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ Southern _____ District of _____ California
(Identify the person or describe the property to be searched and give its location):
See Attachment A-2.

The person or property to be searched, described above, is believed to conceal (Identify the person or describe the property to be searched):
See Attachment B-2.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before February 14, 2014
(not to exceed 10 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge Hon. David H. Bartick (name).

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ For _____ day's (not to exceed 30).
Until, the facts justifying, the later specific date of _____.

Date and time issued: 1/24/2014 5:44 _____
Judge's signature

City and state: San Diego, California _____
Hon. David H. Bartick, U.S. Magistrate Judge
Printed name and title

Signed by a Federal Judge

Source: <https://media.nwica.org/know-your-rights.pdf>