

SENATE BILL NO. 1138

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3257S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 67.307, 285.530, and 577.675, RSMo, and to enact in lieu thereof three new sections relating to illegal aliens, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 67.307, 285.530, and 577.675, RSMo,
2 are repealed and three new sections enacted in lieu thereof, to
3 be known as sections 67.307, 285.530, and 577.675, to read as
4 follows:

67.307. 1. As used in this section, the following
2 terms mean:

3 (1) "Law enforcement officer", a sheriff or peace
4 officer of a municipality with the duty and power of arrest
5 for violation of the general criminal laws of the state or
6 for violation of ordinances of municipalities;

7 (2) "Municipality", any county, city, town, or village;

8 (3) "Municipality official", any elected or appointed
9 official or any law enforcement officer serving the
10 municipality;

11 (4) "Sanctuary policy", any municipality's order or
12 ordinance, enacted or followed that:

13 (a) Limits or prohibits any municipality official or
14 person employed by the municipality from communicating or
15 cooperating with federal agencies or officials to verify or
16 report the immigration status of any alien within such
17 municipality; or

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (b) Grants to illegal aliens the right to lawful
19 presence or status within the municipality in violation of
20 federal law.

21 2. (1) No municipality shall enact or adopt any
22 sanctuary policy. Any municipality that enacts or adopts a
23 sanctuary policy:

24 (a) Shall be ineligible for any moneys provided
25 through grants administered by any state agency or
26 department until the sanctuary policy is repealed or is no
27 longer in effect; **and**

28 (b) **Shall be subject to a fine of twenty-five thousand**
29 **five hundred dollars for each day on which the municipality**
30 **has such sanctuary policy in effect.**

31 (2) Upon the complaint of any state resident regarding
32 a specific government entity, agency, or political
33 subdivision of this state or prior to the provision of funds
34 or awarding of any grants to a government entity, agency, or
35 political subdivision of this state, any member of the
36 general assembly may request that the attorney general of
37 the state of Missouri issue an opinion stating whether the
38 government entity, agency, or political subdivision has
39 current policies in contravention of this section.

40 3. The governing body, sheriff, or chief of police of
41 each municipality shall provide each law enforcement officer
42 with written notice of their duty to cooperate with state
43 and federal agencies and officials on matters pertaining to
44 enforcement of state and federal laws governing immigration.

45 4. This section shall become effective on January 1,
46 2009.

285.530. 1. No business entity or employer shall
2 knowingly employ, hire for employment, or continue to employ

3 an unauthorized alien to perform work within the state of
4 Missouri.

5 2. As a condition for the award of any contract or
6 grant in excess of five thousand dollars by the state or by
7 any political subdivision of the state to a business entity,
8 or for any business entity receiving a state-administered or
9 subsidized tax credit, tax abatement, or loan from the
10 state, the business entity shall, by sworn affidavit and
11 provision of documentation, affirm its enrollment and
12 participation in a federal work authorization program with
13 respect to the employees working in connection with the
14 contracted services. Every such business entity shall also
15 sign an affidavit affirming that it does not knowingly
16 employ any person who is an unauthorized alien in connection
17 with the contracted services. Any entity contracting with
18 the state or any political subdivision of the state shall
19 only be required to provide the affidavits required in this
20 subsection to the state and any political subdivision of the
21 state with which it contracts, on an annual basis. During
22 or immediately after an emergency, the requirements of this
23 subsection that a business entity enroll and participate in
24 a federal work authorization program shall be suspended for
25 fifteen working days. As used in this subsection,
26 "emergency" includes the following natural and manmade
27 disasters: major snow and ice storms, floods, tornadoes,
28 severe weather, earthquakes, hazardous material incidents,
29 nuclear power plant accidents, other radiological hazards,
30 and major mechanical failures of a public utility facility.

31 3. All [public] employers shall enroll and actively
32 participate in a federal work authorization program.

33 4. An employer [may enroll and participate in a
34 federal work authorization program and] shall verify the

35 employment eligibility of every employee in the employer's
36 hire whose employment commences after the employer enrolls
37 in a federal work authorization program. The employer shall
38 retain a copy of the dated verification report received from
39 the federal government. Any business entity that
40 participates in such program shall have an affirmative
41 defense that such business entity has not violated
42 subsection 1 of this section.

43 5. A general contractor or subcontractor of any tier
44 shall not be liable under sections 285.525 to 285.550 when
45 such general contractor or subcontractor contracts with its
46 direct subcontractor who violates subsection 1 of this
47 section, if the contract binding the contractor and
48 subcontractor affirmatively states that the direct
49 subcontractor is not knowingly in violation of subsection 1
50 of this section and shall not henceforth be in such
51 violation and the contractor or subcontractor receives a
52 sworn affidavit under the penalty of perjury attesting to
53 the fact that the direct subcontractor's employees are
54 lawfully present in the United States.

577.675. 1. A person commits the offense of
2 transportation, **concealment, or inducement** of an illegal
3 alien if he or she knowingly:

4 (1) Transports, moves, or attempts to transport or
5 move any illegal alien;

6 (2) **Conceals, harbors, or shields or attempts to**
7 **conceal, harbor, or shield an illegal alien from detection**
8 **in any place in this state, including any building or any**
9 **means of transportation, if the person knows or recklessly**
10 **disregards the fact that the alien has come to, has entered,**
11 **or remains in the United States in violation of law; or**

12 (3) Encourages or induces an illegal alien to come to
13 or reside in this state if the person knows or recklessly
14 disregards the fact that such coming to, entering, or
15 residing in this state is or will be in violation of law.

16 2. For purposes of this section, the term "illegal
17 alien" means any illegal alien who is not lawfully present
18 in the United States, according to the terms of 8 U.S.C.
19 Section 1101, et seq., for the purposes of trafficking in
20 violation of sections 566.200 to 566.215, drug trafficking
21 in violation of sections 579.065 and 579.068, prostitution
22 in violation of chapter 567, or employment.

23 [2.] 3. The offense of transportation, **concealment, or**
24 **inducement** of an illegal alien is a class D felony.

25 [3.] 4. Nothing in this section shall be construed to
26 deny any victim of an offense under sections 566.200 to
27 566.215 of rights afforded by the federal Trafficking
28 Victims Protection Act of 2000, Public Law 106-386, as
29 amended.

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