

# SENATE BILL NO. 1373

## 102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR THOMPSON REHDER.

5316S.02I

KRISTINA MARTIN, Secretary

### AN ACT

To repeal sections 67.307, 208.009, 285.530, and 577.675, RSMo, and to enact in lieu thereof four 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, 208.009, 285.530, and  
2 577.675, RSMo, are repealed and four new sections enacted in  
3 lieu thereof, to be known as sections 67.307, 208.009, 285.530,  
4 and 577.675, to read as 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26 department until the sanctuary policy is repealed or is no  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.

208.009. 1. No alien unlawfully present in the United  
2 States shall receive any state or local public benefit,  
3 except for state or local public benefits that may be

4 offered under 8 U.S.C. 1621(b). Nothing in this section  
5 shall be construed to prohibit the rendering of emergency  
6 medical care, prenatal care, services offering alternatives  
7 to abortion, emergency assistance, or legal assistance to  
8 any person.

9       **2. No alien unlawfully present in the United States**  
10 **shall receive any permanent housing assistance, whether**  
11 **directly from the state or indirectly through a third party**  
12 **that has received funds from the state by virtue of any**  
13 **grant, contract, or loan to such third party.**

14       **3.** As used in this section, "public benefit" means any  
15 grant, contract, or loan provided by an agency of state or  
16 local government; or any retirement, welfare, health,  
17 disability, housing, or food assistance benefit under which  
18 payments, assistance, credits, or reduced rates or fees are  
19 provided. The term "public benefit" shall not include  
20 postsecondary education public benefits as defined in  
21 section 173.1110, any municipal permit, or contracts or  
22 agreements between public utility providers and their  
23 customers or unemployment benefits payable under chapter  
24 288. The unemployment compensation program shall verify the  
25 lawful presence of an alien for the purpose of determining  
26 eligibility for benefits in accordance with its own  
27 procedures.

28       **[3.] 4.** In addition to providing proof of other  
29 eligibility requirements, at the time of application for any  
30 state or local public benefit, an applicant who is eighteen  
31 years of age or older shall provide affirmative proof that  
32 the applicant is a citizen or a permanent resident of the  
33 United States or is lawfully present in the United States.  
34 Such affirmative proof shall include documentary evidence  
35 recognized by the department of revenue when processing an

36 application for a driver's license, a Missouri driver's  
37 license, as well as any document issued by the federal  
38 government that confirms an alien's lawful presence in the  
39 United States. In processing applications for public  
40 benefits, an employee of an agency of state or local  
41 government shall not inquire about the legal status of a  
42 custodial parent or guardian applying for a public benefit  
43 on behalf of his or her dependent child who is a citizen or  
44 permanent resident of the United States.

45 [4.] 5. An applicant who cannot provide the proof  
46 required under this section at the time of application may  
47 alternatively sign an affidavit under oath, attesting to  
48 either United States citizenship or classification by the  
49 United States as an alien lawfully admitted for permanent  
50 residence, in order to receive temporary benefits or a  
51 temporary identification document as provided in this  
52 section. The affidavit shall be on or consistent with forms  
53 prepared by the state or local government agency  
54 administering the state or local public benefits and shall  
55 include the applicant's Social Security number or any  
56 applicable federal identification number and an explanation  
57 of the penalties under state law for obtaining public  
58 assistance benefits fraudulently.

59 [5.] 6. An applicant who has provided the sworn  
60 affidavit required under subsection 4 of this section is  
61 eligible to receive temporary public benefits as follows:

62 (1) For ninety days or until such time that it is  
63 determined that the applicant is not lawfully present in the  
64 United States, whichever is earlier; or

65 (2) Indefinitely if the applicant provides a copy of a  
66 completed application for a birth certificate that is  
67 pending in Missouri or some other state. An extension

68 granted under this subsection shall terminate upon the  
69 applicant's receipt of a birth certificate or a  
70 determination that a birth certificate does not exist  
71 because the applicant is not a United States citizen.

72 [6.] 7. An applicant who is an alien shall not receive  
73 any state or local public benefit unless the alien's lawful  
74 presence in the United States is first verified by the  
75 federal government. State and local agencies administering  
76 public benefits in this state shall cooperate with the  
77 United States Department of Homeland Security in achieving  
78 verification of an alien's lawful presence in the United  
79 States in furtherance of this section. The system utilized  
80 may include the Systematic Alien Verification for  
81 Entitlements Program operated by the United States  
82 Department of Homeland Security. After an applicant's  
83 lawful presence in the United States has been verified  
84 through the Systematic Alien Verification for Entitlements  
85 Program, no additional verification is required within the  
86 same agency of the state or local government.

87 [7.] 8. The provisions of this section shall not be  
88 construed to require any nonprofit organization duly  
89 registered with the Internal Revenue Service to enforce the  
90 provisions of this section, nor does it prohibit such an  
91 organization from providing aid.

92 [8.] 9. Any agency that administers public benefits  
93 shall provide assistance in obtaining appropriate  
94 documentation to persons applying for public benefits who  
95 sign the affidavit required by subsection 4 of this section  
96 stating they are eligible for such benefits but lack the  
97 documents required under subsection 3 of this section.

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.

30           5. It shall be an affirmative defense to the offense  
31 of transportation, concealment, or inducement of an illegal  
32 alien if the person is transporting the alien to a  
33 municipality with a sanctuary policy in another state or to  
34 a port of entry to this country for the purpose of deporting  
35 the alien to another country pursuant to a lawful order  
36 under federal law. For purposes of this subsection, the  
37 term "sanctuary policy" has the same meaning as in section  
38 67.307.

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