AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to state enforcement of certain federal laws, with penalty provisions.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be known as section 1.350, to read as follows:

1.350. 1. This section shall be known as the "Missouri Liberty Preservation Act".

2. The general assembly declares that the authority for this section is the following:

(1) Amendment X of the Constitution of the United States provides that the United States federal government is authorized to exercise only those powers delegated to it in the constitution and nothing more. The guaranty of those limitations on federal power is a matter of contract between the state and people of Missouri and the United States at the time that the constitution was agreed upon and adopted by Missouri and the United States;

(2) Article VI, Clause 2 of the Constitution of the United States provides that laws of the United States are the supreme law of the land, provided that they are made in pursuance of the powers delegated to the federal government in the constitution;

(3) Article I, Section 9, Clause 2 of the Constitution of the United States provides that the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it;

(4) Amendment I of the Constitution of the United States provides that the congress of the United States shall make no law
prohibiting the right of the people to petition the government for a
redress of grievances;

(5) Amendment IV of the Constitution of the United States
provides that the right of the people to be secure in their persons,
houses, papers, and effects against unreasonable searches and seizures
shall not be violated;

(6) Amendment V of the Constitution of the United States
provides that the people have a right to be free from deprivation of life,
liberty, or property without due process of law;

(7) Amendment VI of the Constitution of the United States
provides that the people have a right in criminal prosecutions to a
speedy trial by an impartial jury in the state and district where the
crime shall have been committed, to be informed of the nature and
cause of the accusation, to confront witnesses, and to counsel; and

(8) Amendment XIV of the Constitution of the United States
provides that the people are to be free from deprivation of life, liberty,
or property without due process of law.

3. The general assembly finds that:

(1) Section 1021 of the National Defense Authorization Act for
Fiscal Year 2012 purports to assert the president of the United States'
authority to not only arrest suspected terrorists, but also to determine
whether or not a trial, including what type of trial, will be held for
those arrested;

(2) Section 1022 of the National Defense Authorization Act for
Fiscal Year 2012 requires detention without trial by the military for a
certain class of terrorist and authorizes but does not require the same
for citizens of the United States;

(3) The exemption for citizens of the United States in section
1022 of the National Defense Authorization Act for Fiscal Year 2012
only exempts citizens from a requirement and reads as follows, "The
requirement to detain a person in military custody under this section
does not extend to citizens of the United States";

(4) The enactment into law by the United States Congress of
Sections 1021 and 1022 of the National Defense Authorization Act for
Fiscal Year 2012 is inimical to the liberty, security, and well-being of
the people of Missouri, and was adopted by the United States Congress
in violation of the limits of federal power in the Constitution of the
United States, including but not limited to, those listed in subsection 2 of this section.

4. (1) The state of Missouri shall not provide material support or participate in any way with the implementation of Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 within the boundaries of this state.

(2) The department of public safety is hereby directed to report to the governor and the general assembly any attempt by agencies or agents of the United States federal government to secure the implementation of Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 through the operations of that or any other state department.

(3) The indefinite detention, prosecution according to the law of war, and transfer to a foreign jurisdiction of persons as provided for by Sections 1021 and 1022 of the National Defense Authorization Act for Fiscal Year 2012 are in direct contravention to the limits on federal power as specified in subsection 2 of this section and are illegal within the boundaries of the state of Missouri.

5. (1) Any public officer, employee, or agent of the state of Missouri, or any employee of a corporation providing services to the state of Missouri that enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government of the United States in violation of subsection 4 of this section shall be guilty of a class B misdemeanor.

(2) Any official, agent, or employee of the government of the United States, or employee of a corporation providing services to the government of the United States that enforces or attempts to enforce an act, order, law, statute, rule, or regulation of the government of the United States in violation of subsection 4 of this section shall be guilty of a class A misdemeanor.