

SECOND REGULAR SESSION

SENATE BILL NO. 1269

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS RIDGEWAY AND GOODMAN.

Read 1st time February 28, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

5335S.011

AN ACT

To repeal section 544.470, RSMo, and to enact in lieu thereof one new section relating to bail for illegal aliens.

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

Section A. Section 544.470, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 544.470, to read as follows:

544.470. 1. If the offense is not bailable, or if the person does not meet
2 the conditions for release, as provided in section 544.455, the prisoner shall be
3 committed to the jail of the county in which the same is to be tried, there to
4 remain until he be discharged by due course of law.

5 **2. There shall be a presumption that releasing the person under**
6 **any conditions as provided by section 544.455 shall not reasonably**
7 **assure the appearance of the person as required if the circuit judge or**
8 **associate circuit judge reasonably believes that the person is an alien**
9 **unlawfully present in the United States. If such presumption exists, the**
10 **person shall be committed to the jail, as provided in subsection 1 of this**
11 **section, until such person provides verification of his or her lawful**
12 **presence in the United States to rebut such presumption. If the person**
13 **adequately proves his or her lawful presence, the circuit judge or**
14 **associate circuit judge shall review the issue of release, as provided**
15 **under section 544.455, without regard to previous issues concerning**
16 **whether the person is lawfully present in the United States. If the**
17 **person cannot prove his or her lawful presence, the person shall**
18 **continue to be committed to the jail and remain until discharged by**
19 **due course of law.**

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