

SECOND REGULAR SESSION  
[ P E R F E C T E D ]  
SENATE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILLS NOS. 858,  
750, 751, 927, 1186,  
1255, 1268 & 1269**  
94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUPP.

Offered April 1, 2008.

Senate Substitute adopted, April 1, 2008.

Taken up for Perfection April 1, 2008. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3595S.09P

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**AN ACT**

To repeal sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, and 544.470, RSMo, and to enact in lieu thereof twenty-nine new sections relating to illegal immigrants, with penalty provisions, an effective date for certain sections and an emergency clause for certain sections.

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

Section A. Sections 8.283, 143.191, 172.360, 174.130, 178.635, 178.780, 2 and 544.470, RSMo, are repealed and twenty-nine new sections enacted in lieu 3 thereof, to be known as sections 67.307, 143.191, 172.360, 174.130, 175.025, 4 178.635, 178.780, 178.785, 208.009, 285.309, 285.500, 285.503, 285.506, 285.509, 5 285.512, 285.515, 285.518, 285.525, 285.530, 285.535, 285.540, 285.543, 285.545, 6 285.550, 292.675, 302.063, 544.470, 577.722, and 650.681, to read as follows:

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

2 **(1) "Detention facility", any municipal detention facility, county**  
3 **jail, or correctional facility operated by the department of corrections;**

4 **(2) "Domestic violence", an act or threatened act of violence upon**  
5 **a person with whom the actor is or has been involved in an intimate**

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

6 relationship. "Domestic violence" also includes any other crime against  
7 a person or against property, including an animal, or any municipal  
8 ordinance violation against a person or against property, including an  
9 animal, when used as a method of coercion, control, punishment,  
10 intimidation, or revenge directed against a person with whom the actor  
11 is or has been involved in an intimate relationship;

12 (3) "Intimate relationship", a relationship between spouses,  
13 former spouses, past or present unmarried couples, or persons who are  
14 both the parents of the same child regardless of whether the persons  
15 have been married or have lived together at any time;

16 (4) "Law enforcement officer", a sheriff or peace officer of a  
17 municipality with the duty and power of arrest for violation of the  
18 general criminal laws of the state or for violation of ordinances of  
19 municipalities;

20 (5) "Municipality", any county, city, town, or village;

21 (6) "Municipality official", any elected or appointed official or  
22 any law enforcement officer serving the municipality;

23 (7) "Sanctuary policy", any municipality's order or ordinance,  
24 enacted or followed that:

25 (a) Limits or prohibits any municipality official or person  
26 employed by the municipality from communicating or cooperating with  
27 federal agencies or officials with regard to the immigration status of  
28 any person within such municipality; or

29 (b) Allows illegal aliens to reside within the municipality in  
30 violation of federal immigration law.

31 2. No municipality shall enact or adopt any sanctuary  
32 policy. Any municipality that enacts or adopts a sanctuary policy shall  
33 be ineligible for any moneys provided through grants administered by  
34 any state agency or department until the sanctuary policy is repealed  
35 or is no longer in effect.

36 3. Any law enforcement officer who has probable cause to believe  
37 that any person arrested by the law enforcement officer for a criminal  
38 offense is not legally present in the United States shall report such  
39 person to the U.S. Citizenship and Immigration Services if such person  
40 is not held at a detention facility. If such person is held at a detention  
41 facility, and a law enforcement officer reasonably believes that the

42 **person is not legally present in the United States, the law enforcement**  
43 **officer shall report such person to the U.S. Citizenship and Immigration**  
44 **Services.**

45 **4. The governing body or police chief of each municipality shall**  
46 **provide each law enforcement officer with written notice of their duty**  
47 **to cooperate with state and federal agencies and officials on matters**  
48 **pertaining to enforcement of state and federal laws governing**  
49 **immigration, and of the duty to comply with subsection 3 of this**  
50 **section.**

51 **5. The governing body or police chief of each municipality shall**  
52 **annually submit written confirmation to the general assembly, on or**  
53 **before March first, that the municipality has provided the notice**  
54 **required in subsection 4 of this section and stating the number of**  
55 **reports made by the municipality to the U.S. Citizenship and**  
56 **Immigration Services under this section.**

57 **6. No person arrested for a suspected act of domestic violence**  
58 **shall be reported under this section until the person has plead guilty**  
59 **to or is found guilty of a domestic violence offense.**

143.191. 1. Every employer maintaining an office or transacting any  
2 business within this state and making payment of any wages taxable under  
3 sections 143.011 to 143.998 to a resident or nonresident individual shall deduct  
4 and withhold from such wages for each payroll period the amount provided in  
5 subsection 3 of this section.

6 2. The term "wages" referred to in subsection 1 of this section means  
7 wages as defined by section 3401(a) of the Internal Revenue Code of 1986, as  
8 amended. The term "employer" means any person, firm, corporation, association,  
9 fiduciary of any kind, or other type of organization for whom an individual  
10 performs service as an employee, except that if the person or organization for  
11 whom the individual performs service does not have control of the payment of  
12 compensation for such service, the term "employer" means the person having  
13 control of the payment of the compensation. The term includes the United States,  
14 this state, other states, and all agencies, instrumentalities, and subdivisions of  
15 any of them.

16 3. The method of determining the amount to be withheld shall be  
17 prescribed by regulations of the director of revenue. The prescribed table,  
18 percentages, or other method shall result, so far as practicable, in withholding

19 from the employee's wages during each calendar year an amount substantially  
20 equivalent to the tax reasonably estimated to be due from the employee under  
21 sections 143.011 to 143.998 with respect to the amount of such wages included in  
22 his Missouri adjusted gross income during the calendar year.

23 4. For purposes of this section an employee shall be entitled to [the same  
24 number] **no more than ten** of **the** personal and dependency withholding  
25 exemptions [as the number of exemptions to] which he **or she** is entitled for  
26 federal income tax withholding purposes. **Except as provided in this section,**  
27 an employer may rely upon the number of federal withholding exemptions  
28 claimed by the employee, except where the employee provides the employer with  
29 a form claiming a different number of withholding exemptions in this state.

30 5. The director of revenue may enter into agreements with the tax  
31 departments of other states (which require income tax to be withheld from the  
32 payment of wages) so as to govern the amounts to be withheld from the wages of  
33 residents of such states under this section. Such agreements may provide for  
34 recognition of anticipated tax credits in determining the amounts to be withheld  
35 and, under regulations prescribed by the director of revenue, may relieve  
36 employers in this state from withholding income tax on wages paid to nonresident  
37 employees. The agreements authorized by this subsection are subject to the  
38 condition that the tax department of such other states grant similar treatment  
39 to residents of this state.

40 6. The director of revenue shall enter into agreements with the Secretary  
41 of the Treasury of the United States or with the appropriate secretaries of the  
42 respective branches of the armed forces of the United States for the withholding,  
43 as required by subsections 1 and 2 of this section, of income taxes due the state  
44 of Missouri on wages or other payments for service in the armed services of the  
45 United States or on payments received as retirement or retainer pay of any  
46 member or former member of the armed forces entitled to such pay.

47 7. Subject to appropriations for the purpose of implementing this section,  
48 the director of revenue shall comply with provisions of the laws of the United  
49 States as amended and the regulations promulgated thereto in order that all  
50 residents of this state receiving monthly retirement income as a civil service  
51 annuitant from the federal government taxable by this state may have withheld  
52 monthly from any such moneys, whether pension, annuities or otherwise, an  
53 amount for payment of state income taxes as required by state law, but such  
54 withholding shall not be less than twenty-five dollars per quarter.

172.360. 1. All youths, resident of the state of Missouri, shall be admitted  
2 to all the privileges and advantages of the various classes of all the departments  
3 of the University of the State of Missouri; provided, that each applicant for  
4 admission therein shall possess such scholastic attainments and mental and  
5 moral qualifications as shall be prescribed in rules adopted and established by  
6 the board of curators; **provided that aliens unlawfully present in the**  
7 **United States shall not be eligible for enrollment in the university, with**  
8 **the exception of those born on or before August 28, 2008, that have**  
9 **completed three full semesters in a Missouri high school immediately**  
10 **before applying to the university;** and provided further, that the board of  
11 curators may charge and collect reasonable tuition and other fees necessary for  
12 the maintenance and operation of all departments of the university, as they may  
13 deem necessary.

14 2. **Prior to approval of any appropriations by the general**  
15 **assembly for the University of Missouri, the registrar for each campus**  
16 **of the University of Missouri shall annually certify to the education**  
17 **appropriations committee of the house of representatives and the**  
18 **appropriations committee of the senate that its campus has not**  
19 **knowingly enrolled any aliens unlawfully present in the United States**  
20 **in the preceding year, with the exception of those born on or before**  
21 **August 28, 2008, that have completed three full semesters in a Missouri**  
22 **high school immediately before applying to the university.**

174.130. 1. Each board may make such rules and regulations for the  
2 admission of students as may be deemed proper; **provided that aliens**  
3 **unlawfully present in the United States shall not be eligible for**  
4 **enrollment in the university or college, with the exception of those**  
5 **born on or before August 28, 2008, that have completed three full**  
6 **semesters in a Missouri high school immediately before applying to the**  
7 **university or college.**

8 2. **Prior to approval of any appropriations by the general**  
9 **assembly for the university or college, the registrar for each university**  
10 **or college shall annually certify to the education appropriations**  
11 **committee of the house of representatives and the appropriations**  
12 **committee of the senate that its university or college has not knowingly**  
13 **enrolled any aliens unlawfully present in the United States in the**  
14 **preceding year, with the exception of those born on or before August**

15 **28, 2008, that have completed three full semesters in a Missouri high**  
16 **school immediately before applying to the university or college.**

175.025. 1. The board of curators of Lincoln University may  
2 make such rules and regulations for the admission of students as it may  
3 be deemed proper; provided that aliens unlawfully present in the  
4 United States shall not be eligible for enrollment in the university, with  
5 the exception of those born on or before August 28, 2008, that have  
6 completed three full semesters in a Missouri high school immediately  
7 before applying to the university.

8 2. Prior to approval of any appropriations by the general  
9 assembly for the university, the registrar shall annually certify to the  
10 education appropriations committee of the house of representatives  
11 and the appropriations committee of the senate that the university has  
12 not knowingly enrolled any aliens unlawfully present in the United  
13 States in the preceding year, with the exception of those born on or  
14 before August 28, 2008, that have completed three full semesters in a  
15 Missouri high school immediately before applying to the university.

178.635. 1. The board of regents of Linn State Technical College shall  
2 organize in the manner provided by law for the board of curators of the  
3 University of Missouri. The powers, duties, authority, responsibilities, privileges,  
4 immunities, liabilities and compensation of the board of Linn State Technical  
5 College in regard to Linn State Technical College shall be the same as those  
6 prescribed by statute for the board of curators of the University of Missouri in  
7 regard to the University of Missouri, except that Linn State Technical College  
8 shall be operated only as a state technical college. Nothing in this section shall  
9 be construed to authorize Linn State Technical College to become a community  
10 college or a university offering four-year or graduate degrees.

11 2. All lawful bonded indebtedness incurred by the issuance of revenue  
12 bonds, as defined in section 176.010, RSMo, by Linn Technical College, shall be  
13 deemed to be an indebtedness of the board of regents of Linn State Technical  
14 College after the date upon which the conditions of section 178.631 are met. Such  
15 indebtedness shall be retired through tuition revenues.

16 3. The board of regents may make such rules and regulations for  
17 the admission of students as it may be deemed proper; provided that  
18 aliens unlawfully present in the United States shall not be eligible for  
19 enrollment in Linn State Technical College, with the exception of those

20 **born on or before August 28, 2008, that have completed three full**  
21 **semesters in a Missouri high school immediately before applying to the**  
22 **college.**

23 **4. Prior to approval of any appropriations by the general**  
24 **assembly for Linn State Technical College, the registrar shall annually**  
25 **certify to the education appropriations committee of the house of**  
26 **representatives and the appropriations committee of the senate that**  
27 **the college has not knowingly enrolled any aliens unlawfully present**  
28 **in the United States in the preceding year, with the exception of those**  
29 **born on or before August 28, 2008, that have completed three full**  
30 **semesters in a Missouri high school immediately before applying to the**  
31 **college.**

178.780. 1. Tax supported junior colleges formed prior to October 13,  
2 1961, and those formed under the provisions of sections 178.770 to 178.890 shall  
3 be under the supervision of the coordinating board for higher education.

4 2. The coordinating board for higher education shall:

5 (1) Establish the role of the two-year college in the state;

6 (2) Set up a survey form to be used for local surveys of need and potential  
7 for two-year colleges; provide supervision in the conducting of surveys; require  
8 that the results of the studies be used in reviewing applications for approval; and  
9 establish and use the survey results to set up priorities;

10 (3) Require that the initiative to establish two-year colleges come from the  
11 area to be served;

12 (4) Administer the state financial support program;

13 (5) Supervise the junior college districts formed under the provisions of  
14 sections 178.770 to 178.890 and the junior colleges now in existence and formed  
15 prior to October 13, 1961;

16 (6) Formulate and put into effect uniform policies as to budgeting, record  
17 keeping, and student accounting;

18 (7) Establish uniform minimum entrance requirements and uniform  
19 curricular offerings for all junior colleges **and ensure that aliens unlawfully**  
20 **present in the United States are not eligible for enrollment in any**  
21 **junior college, with the exception of those born on or before August 28,**  
22 **2008, that have completed three full semesters in a Missouri high school**  
23 **immediately before applying to the junior college;**

24 (8) Make a continuing study of junior college education in the state; and

25 (9) Be responsible for the accreditation of each junior college under its  
26 supervision. Accreditation shall be conducted annually or as often as deemed  
27 advisable and made in a manner consistent with rules and regulations  
28 established and applied uniformly to all junior colleges in the state. Standards  
29 for accreditation of junior colleges shall be formulated with due consideration  
30 given to curriculum offerings and entrance requirements of the University of  
31 Missouri.

**178.785. Prior to approval of any appropriations by the general  
2 assembly for a junior college, the registrar for the college shall  
3 annually certify to the education appropriations committee of the  
4 house of representatives and the appropriations committee of the  
5 senate that its junior college has not knowingly enrolled any aliens  
6 unlawfully present in the United States in the preceding year, with the  
7 exception of those born on or before August 28, 2008, that have  
8 completed three full semesters in a Missouri high school immediately  
9 before applying to the junior college.**

**208.009. 1. No alien unlawfully present in the United States shall  
2 receive any state or local public benefit, except for state or local public  
3 benefits that are required to be offered by 8 U.S.C. 1621(b). Nothing in  
4 this section shall be construed to prohibit the rendering of emergency  
5 medical care, emergency assistance, or legal assistance to any person.**

**6 2. As used in this section, "public benefit" means any grant,  
7 contract, loan, or license provided by an agency of state or local  
8 government; or any retirement, welfare, health, disability, housing, or  
9 food assistance benefit under which payments, assistance, credits, or  
10 reduced rates or fees are provided. The term "public benefit" shall not  
11 include unemployment benefits payable under chapter 288, RSMo. The  
12 unemployment compensation program shall verify the lawful presence  
13 of an alien for the purpose of determining eligibility for benefits in  
14 accordance with its own procedures.**

**15 3. In addition to providing proof of other eligibility  
16 requirements, at the time of application for any state or local public  
17 benefit, an applicant who is eighteen years of age or older shall provide  
18 affirmative proof that the applicant is a citizen or a permanent resident  
19 of the United States or is lawfully present in the United States,  
20 provided, however, that in the case of state grants and scholarships,**



21 such proof shall be provided before the applicant receives any state  
22 grant or scholarship. Such affirmative proof shall include documentary  
23 evidence recognized by the department of revenue when processing an  
24 application for a driver's license, as well as any document issued by the  
25 federal government that confirms an alien's lawful presence in the  
26 United States.

27 4. An applicant who cannot provide the proof required under  
28 this section at the time of application may alternatively sign an  
29 affidavit under oath, attesting to either United States citizenship or  
30 classification by the United States as an alien lawfully admitted for  
31 permanent residence, in order to receive temporary benefits or a  
32 temporary identification document as provided in this section. The  
33 affidavit shall include the applicant's Social Security number and an  
34 explanation of the penalties under state law for obtaining public  
35 assistance benefits fraudulently.

36 5. An applicant who has provided the sworn affidavit required  
37 under subsection 4 of this section is eligible to receive temporary  
38 public benefits as follows:

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

42 (2) Indefinitely if the applicant provides a copy of a completed  
43 application for a birth certificate that is pending in Missouri or some  
44 other state. An extension granted under this subsection shall terminate  
45 upon the applicant's receipt of a birth certificate or a determination  
46 that a birth certificate does not exist because the applicant is not a  
47 United States citizen.

48 6. An applicant who is an alien shall not receive any state or  
49 local public benefit unless the alien's lawful presence in the United  
50 States is first verified by the federal government, under 8 U.S.C.  
51 1373(c). State and local agencies administering public benefits in this  
52 state shall cooperate with the United States Department of Homeland  
53 Security in achieving verification of an alien's lawful presence in the  
54 United States in furtherance of this section. The system utilized may  
55 include the Systematic Alien Verification for Entitlements Program  
56 operated by the United States Department of Homeland Security.

57           **7. The provisions of this section shall not be construed to require**  
58 **any nonprofit organization organized under the Internal Revenue Code**  
59 **to enforce the provisions of this section, nor does it prohibit such an**  
60 **organization from providing aid.**

**285.309. 1. Every employer doing business in this state who**  
2 **employs five or more employees shall, if applicable, submit federal 1099**  
3 **miscellaneous forms to the department of revenue. Such forms shall be**  
4 **submitted to the department of revenue within the time lines**  
5 **established for the filing of Missouri Form 99 forms.**

6           **2. Any employer who intentionally, on five or more occasions,**  
7 **fails to submit information on any employee required under subsection**  
8 **1 of this section is guilty of a class A misdemeanor and shall be fined**  
9 **not more than one hundred dollars for each time the employer fails to**  
10 **submit the information on or after the fifth occurrence. If the failure**  
11 **is the result of a conspiracy between the employer and the employee or**  
12 **worker to not supply the required report or to supply a false or**  
13 **incomplete report, the fine shall be one thousand dollars for each**  
14 **failure to report or each false or incomplete report on and after the**  
15 **fifth occurrence.**

**285.500. For the purposes of sections 285.500 to 285.515 the**  
2 **following terms mean:**

3           **(1) "Employee", any individual who performs services for an**  
4 **employer that would indicate an employer-employee relationship in**  
5 **satisfaction of the factors in IRS Rev. Rule 87-41, 1987-1 C.B.296.;**

6           **(2) "Employer", any individual, organization, partnership,**  
7 **political subdivision, corporation, or other legal entity which has or**  
8 **had in the entity's employ five or more individuals performing any of**  
9 **the following services within this state:**

10           **(a) Construction as defined in section 290.210, RSMo;**

11           **(b) Public works as defined in section 290.210, RSMo;**

12           **(c) Maintenance work as defined in section 290.210, RSMo.**

**285.503. 1. An employer knowingly misclassifies a worker if that**  
2 **employer fails to claim the worker as an employee but knows, or has**  
3 **reason to know, that worker is an employee.**

4           **2. The attorney general may investigate alleged or suspected**  
5 **violations of sections 285.500 to 285.515 and shall have all powers**

6 provided by sections 407.040 to 407.090, RSMo, in connection with any  
7 investigation of an alleged or suspected violation of sections 285.500 to  
8 285.515 as if the acts enumerated in sections 285.500 to 285.515 are  
9 unlawful acts proscribed by chapter 407, RSMo.

10 3. In addition to the powers set out in subsection 1 of this  
11 section, the attorney general may serve and enforce subpoenas related  
12 to the enforcement of sections 285.500 to 285.515.

285.506. 1. In any action brought under sections 285.500 to  
2 285.515, the state shall have the burden of proving that the employer  
3 misclassified the worker. If the state is unable to produce any evidence  
4 supporting its contention that the alleged misclassified worker is  
5 misclassified, the court shall find that the worker is not an employee  
6 for purposes of that action.

7 2. In any action brought under sections 285.500 to 285.515, there  
8 is a rebuttable presumption that a worker is an employee if the worker  
9 is an unauthorized alien as defined in 8 U.S.C. 1324a(h)(3). To rebut  
10 this presumption, the employer must produce an I-9 form to establish  
11 that the worker is not an unauthorized alien or other documentation  
12 to show that the worker is an independent contractor. If the employer  
13 fails to produce such evidence, the court shall find that the worker is  
14 an employee for purposes of that action.

285.509. 1. The department of labor and industrial relations shall  
2 establish a complaint form to receive complaints about alleged  
3 misclassification of workers. The form shall be made available on the  
4 Internet. Upon receiving a complaint, the department shall cross-check  
5 the complaint against any employer records it maintains and shall also  
6 cross-check the complaint against any records maintained by the  
7 department of revenue.

8 2. If the department determines, after conducting the review set  
9 out in subsection 1 of this section, that an employer appears to have  
10 misclassified a worker, it shall forward its determination along with  
11 supporting documentation to the attorney general.

12 3. Upon receiving the department's determination, the attorney  
13 general may request additional information or records from the  
14 department of labor and industrial relations, the department of  
15 revenue, or any other state agency that may have information or

16 records relevant to the matter. Upon request, the department or other  
17 state agency shall provide the information or records requested. If the  
18 attorney general receives records that are otherwise closed pursuant  
19 to law, the attorney general shall likewise treat any such records  
20 obtained in the course of an investigation as closed records, except that  
21 such records may be used in the course of any action brought under  
22 sections 285.500 to 285.515.

23 4. The department of labor and industrial relations shall have  
24 the authority to promulgate rules necessary to administer the  
25 provisions of this section. Any rule or portion of a rule, as that term is  
26 defined in section 536.010, RSMo, that is created under the authority  
27 delegated in this section shall become effective only if it complies with  
28 and is subject to all of the provisions of chapter 536, RSMo, and, if  
29 applicable, section 536.028, RSMo. This section and chapter 536, RSMo,  
30 are nonseverable and if any of the powers vested with the general  
31 assembly pursuant to chapter 536, RSMo, to review, to delay the  
32 effective date, or to disapprove and annul a rule are subsequently held  
33 unconstitutional, then the grant of rulemaking authority and any rule  
34 proposed or adopted after August 28, 2008, shall be invalid and void.

285.512. 1. Whenever the attorney general has reason to believe  
2 that an employer has engaged in, is engaging in, or is about to engage  
3 in any conduct that would be a violation of sections 285.500 to 285.515,  
4 the attorney general may seek an injunction prohibiting the employer  
5 from engaging in such conduct.

6 2. The attorney general may bring an action for injunctive relief  
7 in the circuit court of any county where the alleged violation is  
8 occurring or about to occur.

9 3. In seeking injunctive relief, the attorney general may petition  
10 the court to order that all work contracted for by the employer at any  
11 site of the employer be halted if the court determines that the employer  
12 has engaged in, or is about to engage in, any conduct that would be a  
13 violation of sections 285.500 to 285.515. In addition to such relief, the  
14 court may issue any other order or judgment necessary to prevent the  
15 employer from committing any further violations of sections 285.500 to  
16 285.515.

285.515. 1. If a court determines that an employer has knowingly

2 misclassified a worker, the court shall enter a judgment in favor of the  
3 state and award penalties in the amount of fifty dollars per day per  
4 misclassified worker up to a maximum of fifty thousand dollars to the  
5 Missouri worker protection fund established in section 285.518.

6 2. If a court determines that an employer has knowingly  
7 misclassified a worker after having been previously adjudicated for  
8 knowing misclassification of a worker, the court shall enter a judgment  
9 in favor of the state and award penalties in the amount of one hundred  
10 dollars per day per misclassified worker up to a maximum of one  
11 hundred thousand dollars to the Missouri worker protection fund  
12 established in section 285.518.

13 3. The court may, in addition to the penalties authorized by this  
14 section, order that attorneys' fees and costs be paid to the state.

15 4. The attorney general may enter into a consent judgment with  
16 any person alleged to have violated sections 285.500 to 285.515.

285.518. There is hereby created in the state treasury the  
2 "Missouri Worker Protection Fund", which shall consist of money  
3 collected under sections 285.500 to 285.515. The state treasurer shall be  
4 custodian of the fund and may approve disbursements from the fund in  
5 accordance with sections 30.170 and 30.180, RSMo. Upon appropriation,  
6 money in the fund shall be used solely for the administration of  
7 sections 285.500 to 285.515. Notwithstanding the provisions of section  
8 33.080, RSMo, to the contrary, any moneys remaining in the fund at the  
9 end of the biennium shall not revert to the credit of the general  
10 revenue fund. The state treasurer shall invest moneys in the fund in  
11 the same manner as other funds are invested. Any interest and moneys  
12 earned on such investments shall be credited to the fund. This fund  
13 shall be administered by the attorney general for the purposes of  
14 ensuring that Missouri employers hire employees and subcontract with  
15 workers who are not misclassified. The fund shall consist of:

16 (1) All amounts ordered to be paid into the fund pursuant to  
17 section 285.515;

18 (2) Any amounts appropriated to the fund; and

19 (3) Any voluntary contributions, gifts, or bequests to the fund.

285.525. As used in sections 285.525 to 285.550, the following  
2 terms shall have the following meanings:

3           (1) "Business entity", any person or group of persons performing  
4 or engaging in any activity, enterprise, profession, or occupation for  
5 gain, benefit, advantage, or livelihood, whether for profit or not for  
6 profit. The term "business entity" shall include but not be limited to  
7 self-employed individuals, partnerships, corporations, contractors, and  
8 subcontractors. The term "business entity" shall include any business  
9 entity that possesses a business permit, license, or tax certificate issued  
10 by the state, any business entity that is exempt by law from obtaining  
11 such a business permit, and any business entity that is operating  
12 unlawfully without such a business permit. The term "business entity"  
13 shall not include a self-employed individual with no employees or  
14 entities utilizing the services of direct sellers as defined in subdivision  
15 (17) of subsection 12 of section 288.034, RSMo;

16           (2) "Contractor", a person, employer, or business entity that  
17 enters into an agreement to perform any service or work or to provide  
18 a certain product in exchange for valuable consideration. This  
19 definition shall include but not be limited to a general contractor,  
20 subcontractor, independent contractor, contract employee, project  
21 manager, or a recruiting or staffing entity;

22           (3) "Division", the division of labor standards within the  
23 department of labor and industrial relations;

24           (4) "Employee", any person performing or applying for work or  
25 service of any kind or character for hire within the state of Missouri;

26           (5) "Employer", any person or entity employing or seeking to  
27 employ any person for hire within the state of Missouri, including a  
28 public employer. Where there are two or more putative employers, any  
29 person or entity taking a business tax deduction for the employee in  
30 question shall be considered an employer of that person for purposes  
31 of sections 285.525 to 285.550;

32           (6) "Employment", the act of employing or state of being  
33 employed, engaged, or hired to perform work or service of any kind or  
34 character within the state of Missouri;

35           (7) "Federal Work Authorization Program", any of the electronic  
36 verification of work authorization programs operated by the United  
37 States Department of Homeland Security or an equivalent federal work  
38 authorization program operated by the United States Department of

39 **Homeland Security to verify information of newly hired employees,**  
40 **under the Immigration Reform and Control Act of 1986 (IRCA), P.L.99-**  
41 **603;**

42 **(8) "Political subdivision", any agency or unit of this state which**  
43 **now is, or hereafter shall be, authorized to levy taxes or empowered to**  
44 **cause taxes to be levied;**

45 **(9) "Public employer", every department, agency, or**  
46 **instrumentality of the state or political subdivision of the state;**

47 **(10) "Unauthorized alien", an alien who does not have the legal**  
48 **right or authorization under federal law to work in the United States,**  
49 **as defined in 8 U.S.C. 1324a(h)(3);**

50 **(11) "Work", any job, task, employment, labor, personal services,**  
51 **or any other activity for which compensation is provided, expected, or**  
52 **due, including but not limited to all activities conducted by business**  
53 **entities.**

**285.530. 1. No business entity or employer shall knowingly**  
2 **employ, recruit, hire for employment, or continue to employ an**  
3 **unauthorized alien to perform work within the state of Missouri.**

4 **2. As a condition for the award of any contract or grant in excess**  
5 **of five thousand dollars by the state or by any political subdivision of**  
6 **the state to a business entity, or for any business entity receiving a**  
7 **state-administered or subsidized tax credit, tax abatement, or loan from**  
8 **the state, the business entity shall, by sworn affidavit and provision of**  
9 **documentation, affirm its enrollment and participation in a federal**  
10 **work authorization program. Every business entity shall also sign an**  
11 **affidavit affirming that it does not knowingly employ any person who**  
12 **is an unauthorized alien.**

13 **3. All public employers shall enroll and actively participate in a**  
14 **federal work authorization program.**

15 **4. An employer may enroll and participate in a federal work**  
16 **authorization program and shall verify the employment eligibility of**  
17 **every employee in the employer's hire whose employment commences**  
18 **after the employer enrolls in a federal work authorization**  
19 **program. The employer shall retain a copy of the dated verification**  
20 **report received from the federal government. Any business entity that**  
21 **participates in such program shall have an affirmative defense that**

22 such business entity has not violated subsection 1 of this section.

23 5. A general contractor or subcontractor of any tier shall not be  
24 liable under sections 285.525 to 285.540 when such general contractor  
25 or subcontractor contracts with its immediate subcontractor who  
26 violates subsection 1 of this section, if the contract binding the  
27 contractor and subcontractor affirmatively states that the  
28 subcontractor is not knowingly in violation of subsection 1 of this  
29 section and shall not henceforth be in such violation and that the  
30 subcontractor is enrolled in a federal work authorization program.

285.535. 1. The division shall enforce the requirements of  
2 sections 285.525 to 285.550.

3 2. An enforcement action shall be initiated by means of a written,  
4 signed complaint under penalty of perjury as defined in section 575.040,  
5 RSMo, to the division submitted by any state official, business entity,  
6 or state resident. A valid complaint shall include an allegation which  
7 describes the alleged violator as well as the actions constituting the  
8 violation, and the date and location where such actions occurred. A  
9 complaint which alleges a violation solely or primarily on the basis of  
10 national origin, ethnicity, or race shall be deemed invalid and shall not  
11 be enforced.

12 3. Upon receipt of a valid complaint, the division shall, within  
13 ten business days, request identity information from the business entity  
14 regarding any persons alleged to be unauthorized aliens. Such request  
15 shall be made by certified mail. The division shall direct the applicable  
16 municipal or county governing body to suspend any applicable license  
17 of any business entity which fails, within ten business days after  
18 receipt of the request, to provide such information.

19 4. The division, after receiving the requested identity  
20 information from the business entity, shall submit identity data  
21 required by the federal government to verify, under 8 U.S.C. 1373, the  
22 immigration status of such persons, and shall provide the business  
23 entity with written notice of the results of the verification request:

24 (1) If the federal government notifies the division that an  
25 employee is authorized to work in the United States, the division shall  
26 take no further action on the complaint;

27 (2) If the federal government notifies the division that an



28 **employee is not authorized to work in the United States, the division**  
29 **shall proceed on the complaint as provided in subsection 5 of this**  
30 **section;**

31 **(3) If the federal government notifies the division that it is**  
32 **unable to verify whether an employee is authorized to work in the**  
33 **United States, the division shall take no further action on the**  
34 **complaint until a verification from the federal government concerning**  
35 **the status of the individual is received. At no point shall any state**  
36 **official attempt to make an independent determination of any alien's**  
37 **legal status without verification from the federal government under 8**  
38 **U.S.C. 1373(c).**

39 **5. (1) If the federal government notifies the division that an**  
40 **employee is not authorized to work in the United States, and the**  
41 **employer of the unauthorized alien participates in a federal work**  
42 **authorization program, there shall be a rebuttable presumption that**  
43 **the employer has met the requirements for an affirmative defense**  
44 **under subsection 4 of section 285.530, and the employer shall comply**  
45 **with subsection 6 of this section.**

46 **(2) If the federal government notifies the division that an**  
47 **employee is not authorized to work in the United States, the division**  
48 **shall, after notice and a hearing, determine whether the business entity**  
49 **knowingly violated subsection 1 of section 285.530 and the following**  
50 **actions shall occur:**

51 **(a) If the division finds that a business entity did not knowingly**  
52 **violate subsection 1 of section 285.530, the employer shall have ten**  
53 **business days to comply with subsection 6 of this section. If the entity**  
54 **fails to do so, the division shall direct the applicable municipal or**  
55 **county governing body to suspend the business permit and any**  
56 **applicable licenses or exemptions of the entity until the entity complies**  
57 **with subsection 6 of this section;**

58 **(b) If the division finds that a business entity knowingly violated**  
59 **subsection 1 of section 285.530, the division shall direct the applicable**  
60 **municipal or county governing body to suspend the business permit**  
61 **and any applicable licenses or exemptions of such business entity for**  
62 **six months. Permits, licenses, and exemptions shall be reinstated for**  
63 **entities who comply with subsection 6 of this section at the end of the**

64 **six month period.**

65 **6. The correction of a violation with respect to the employment**  
66 **of an unauthorized alien shall include the following actions:**

67 **(1) (a) The business entity terminates the unauthorized alien's**  
68 **employment. If the business entity attempts to terminate the**  
69 **unauthorized alien's employment and such termination is challenged**  
70 **in a court of the state of Missouri, the ten business day period for**  
71 **providing information to the division referenced in subsection 3 of this**  
72 **section shall be tolled while the business entity pursues the**  
73 **termination of the unauthorized alien's employment in such forum; or**

74 **(b) The business entity, after acquiring additional information**  
75 **from the employee, requests a secondary or additional verification by**  
76 **the federal government of the employee's authorization, under the**  
77 **procedures of a federal work authorization program. While this**  
78 **verification is pending, the ten business day period for providing**  
79 **information to the division referenced in subsection 3 of this section**  
80 **shall be tolled; and**

81 **(2) A legal representative of the business entity submits, at an**  
82 **office designated by the division, the following:**

83 **(a) A sworn affidavit stating that the violation has ended that**  
84 **shall include a description of the specific measures and actions taken**  
85 **by the business entity to end the violation, and the name, address, and**  
86 **other adequate identifying information for any unauthorized aliens**  
87 **related to the complaint; and**

88 **(b) Documentation acceptable to the division which confirms**  
89 **that the business entity has enrolled in and is participating in a federal**  
90 **work authorization program.**

91 **7. The suspension of a business license or licenses under**  
92 **subsection 5 of this section shall terminate one business day after a**  
93 **legal representative of the business entity submits the affidavit and**  
94 **other documentation required under subsection 6 of this section**  
95 **following any period of restriction required under subsection 5 of this**  
96 **section.**

97 **8. For an entity that violates subsection 1 of section 285.530 for**  
98 **a second or subsequent time, the division shall direct the applicable**  
99 **municipal or county governing body to forever suspend the business**

100 **permit and any applicable license or exemptions of the business entity.**

101 **9. In addition to the penalties in subsections 5 and 8 of this**  
102 **section:**

103 **(1) Upon the first violation of subsection 1 of section 285.530 by**  
104 **any business entity awarded a state contract or grant or receiving a**  
105 **state-administered tax credit, tax abatement, or loan from the state, the**  
106 **business entity shall be deemed in breach of contract and the state**  
107 **shall terminate the contract and suspend or debar the business entity**  
108 **from doing business with the state for a period of three years;**

109 **(2) Upon a second or subsequent violation of subsection 1 of**  
110 **section 285.530 by any business entity awarded a state contract or grant**  
111 **or receiving a state-administered tax credit, tax abatement, or loan**  
112 **from the state, the business entity shall be deemed in breach of**  
113 **contract and the state shall terminate the contract and permanently**  
114 **suspend or debar the business entity from doing business with the**  
115 **state.**

116 **10. Sections 285.525 to 285.550 shall not be construed to deny any**  
117 **procedural mechanisms included in a federal work authorization**  
118 **program.**

119 **11. Any business entity subject to a complaint and subsequent**  
120 **enforcement under sections 285.525 to 285.540, or any employee of such**  
121 **a business entity, may challenge the enforcement of this section with**  
122 **respect to such entity or employee in the courts of the state of Missouri.**

123 **12. If the division finds that any complaint is frivolous in nature**  
124 **or finds no probable cause to believe that there has been a violation,**  
125 **the division shall dismiss the case. For purposes of this subsection,**  
126 **"frivolous" shall mean a complaint clearly lacking any basis in fact or**  
127 **law. Any person who submits a frivolous complaint shall be liable for**  
128 **actual, compensatory, and punitive damages to the alleged violator for**  
129 **holding the alleged violator before the public in a false light. If the**  
130 **division finds that a complaint is frivolous or that there is not probable**  
131 **cause to believe there has been a violation, the division shall issue a**  
132 **public report to the complainant and the alleged violator stating with**  
133 **particularity its reasons for dismissal of the complaint. Upon such**  
134 **issuance, the complaint and all materials relating to the complaint shall**  
135 **be a public record as defined in chapter 610, RSMo.**

136           **13. The determination of whether a worker is an unauthorized**  
137 **alien shall be made by the federal government, under 8 U.S.C. 1373(c)A**  
138 **determination of such status of an individual by the federal**  
139 **government shall create a rebuttable presumption as to that**  
140 **individual's status in any judicial proceedings brought under sections**  
141 **285.530 and 285.535. The court may take judicial notice of any**  
142 **verification of an individual's status previously provided by the federal**  
143 **government and may request the federal government to provide**  
144 **automated or testimonial verification under 8 U.S.C. 1373(c).**

145           **14. Compensation, whether in money or in kind or in services,**  
146 **provided to any unauthorized alien shall not be allowed as a business**  
147 **expense deduction from any income or business taxes of this state.**

148           **15. Any business entity which terminates an employee in**  
149 **accordance with this section shall not be liable for any claims made**  
150 **against the business entity under chapter 213, RSMo.**

**285.540. The division shall promulgate rules to implement the**  
2 **provisions of sections 285.525 to 285.550. Any rule or portion of a rule,**  
3 **as that term is defined in section 536.010, RSMo, that is created under**  
4 **the authority delegated in this section shall become effective only if it**  
5 **complies with and is subject to all of the provisions of chapter 536,**  
6 **RSMo, and, if applicable, section 536.028, RSMo. This section and**  
7 **chapter 536, RSMo, are nonseverable and if any of the powers vested**  
8 **with the general assembly under chapter 536, RSMo, to review, to delay**  
9 **the effective date, or to disapprove and annul a rule are subsequently**  
10 **held unconstitutional, then the grant of rulemaking authority and any**  
11 **rule proposed or adopted after August 28, 2008, shall be invalid and**  
12 **void.**

**285.543. The division shall maintain a database that documents**  
2 **any business entity whose permit, license, or exemption has been**  
3 **suspended or state contract that has been terminated.**

**285.545. Sections 285.525 to 285.540 shall be automatically**  
2 **repealed should the federal government cease offering a federal work**  
3 **authorization program as defined in section 285.525.**

**285.550. If any municipal or county governing body fails to**  
2 **suspend the business permit and applicable licenses or exemptions as**  
3 **directed by the division as a result of a violation of section 285.535, the**

4 municipality shall be deemed to have adopted a sanctuary policy as  
5 defined in section 67.307, RSMo, and shall be subject to the penalties  
6 thereunder.

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

3 (1) "Construction", construction, reconstruction, demolition,  
4 painting and decorating, or major repair;

5 (2) "Department", the department of labor and industrial  
6 relations;

7 (3) "Person", any natural person, joint venture, partnership,  
8 corporation, or other business or legal entity;

9 (4) "Public body", the state of Missouri or any officer, official,  
10 authority, board or commission of the state, or other political  
11 subdivision thereof, or any institution supported in whole or in part by  
12 public funds;

13 (5) "Public works", all fixed works constructed for public use or  
14 benefit or paid for wholly or in part out of public funds. "Public works"  
15 includes any work done directly by any public utility company when  
16 performed by it pursuant to the order of the public service commission  
17 or other public authority whether or not it be done under public  
18 supervision or direction or paid for wholly or in part out of public  
19 funds when let to contract by said utility.

20 2. Any person signing a contract to work on the construction of  
21 public works for any public body shall provide a ten-hour Occupational  
22 Safety and Health Administration (OSHA) construction safety program  
23 for their on-site employees which includes a course in construction  
24 safety and health approved by OSHA or a similar program approved by  
25 the department which is at least as stringent as an approved OSHA  
26 program. All employees are required to complete the program within  
27 sixteen days of beginning work on such construction project.

28 3. Any employee found on a worksite subject to this section  
29 without documentation of the successful completion of the course  
30 required under subsection 2 of this section shall be afforded ten days  
31 to produce such documentation before being subject to removal from  
32 the project.

33 4. The public body shall specify in the resolution or ordinance

34 and in the call for bids for the contract, the requirements of this  
35 section. The contractor to whom the contract is awarded and any  
36 subcontractor under such contractor shall require all on-site employees  
37 to complete the ten-hour training program required under subsection  
38 2 of this section. The public body awarding the contract shall include  
39 this requirement in the contract. The contractor shall forfeit as a  
40 penalty to the public body on whose behalf the contract is made or  
41 awarded, two thousand five hundred dollars plus one hundred dollars  
42 for each employee employed by the contractor or subcontractor, for  
43 each calendar day, or portion thereof, such employee is employed  
44 without the required training. The public body awarding the contract  
45 shall include notice of these penalties in the contract. The public body  
46 awarding the contract shall withhold and retain therefrom, all sums  
47 and amounts due and owing as a result of any violation of this section  
48 when making payments to the contractor under the contract. The  
49 contractor may withhold from any subcontractor, sufficient sums to  
50 cover any penalties the public body has withheld from the contractor  
51 resulting from the subcontractor's failure to comply with the terms of  
52 this section. If payment has been made to the subcontractor without  
53 withholding, the contractor may recover the amount of the penalty  
54 resulting from the fault of the subcontractor in an action maintained  
55 in the circuit court in the county in which the public works project is  
56 located from the subcontractor.

57 5. In determining whether a violation of this section has  
58 occurred, and whether the penalty under subsection 4 of this section  
59 shall be imposed, the department shall investigate any claim of  
60 violation. Upon completing such investigation, the department shall  
61 notify the public body and any party found to be in violation of this  
62 section of its findings and whether a penalty shall be  
63 assessed. Determinations under this section may be appealed in the  
64 circuit court in the county in which the public works project is located.

65 6. If the contractor or subcontractor fails to pay the penalty  
66 within forty-five days following notification by the department, the  
67 department shall pursue an enforcement action to enforce the monetary  
68 penalty provisions of subsection 4 of this section against the contractor  
69 or subcontractor found to be in violation of this section. If the court

70 orders payment of the penalties as prescribed under subsection 4 of  
71 this section, the department shall be entitled to recover its actual cost  
72 of enforcement in addition to such penalty amount.

73 7. The department may establish rules and regulations for the  
74 purpose of implementing the provisions of this section. Any rule or  
75 portion of a rule, as that term is defined in section 536.010, RSMo, that  
76 is created under the authority delegated in this section shall become  
77 effective only if it complies with and is subject to all of the provisions  
78 of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This  
79 section and chapter 536, RSMo, are nonseverable and if any of the  
80 powers vested with the general assembly pursuant to chapter 536,  
81 RSMo, to review, to delay the effective date, or to disapprove and annul  
82 a rule are subsequently held unconstitutional, then the grant of  
83 rulemaking authority and any rule proposed or adopted after August  
84 28, 2008, shall be invalid and void.

85 8. This section shall not apply to work performed by public  
86 utilities which are under the jurisdiction of the public service  
87 commission, or their contractors, or work performed at or on facilities  
88 owned or operated by said public utilities.

302.063. The department of revenue shall not issue any driver's  
2 license to an illegal alien nor to any person who cannot prove his or  
3 her lawful presence pursuant to the provisions of this chapter and the  
4 regulations promulgated thereunder. A driver's license issued to an  
5 illegal alien in another state shall not be honored by the state of  
6 Missouri and the department of revenue for any purpose. The state of  
7 Missouri hereby declares that granting driver's licenses to illegal aliens  
8 is repugnant to the public policy of Missouri and therefore Missouri  
9 shall not extend full faith and credit to out-of-state driver's licenses  
10 issued to illegal aliens. As used in this section, the term "illegal alien"  
11 shall mean an alien who is not lawfully present in the United States,  
12 according to the terms of 8 U.S.C. 1101, et seq.

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.

577.722. 1. It shall be unlawful for any person to transport, move,  
2 or attempt to transport in the state of Missouri any illegal alien who is  
3 not lawfully present in the United States, according to the terms of  
4 U.S.C. 1101, et seq., knowing or in reckless disregard of the fact that the  
5 alien has come to, entered, or remained in the United States in  
6 violation of law, in furtherance of the illegal presence of the alien in  
7 the United States.

8 2. It shall be unlawful for any person to conceal, harbor, or  
9 shelter from detection any such alien in any place within the state of  
10 Missouri including any building or means of transportation, knowing  
11 or in reckless disregard of the fact that the alien has come to, entered,  
12 or remained in the United States in violation of law.

13 3. Any person violating the provisions of subsection 1 or 2 of this  
14 section shall be guilty of a felony for which the authorized term of  
15 imprisonment is a term of years not less than one year, or by a fine in  
16 an amount not less than one thousand dollars, or by both such fine and  
17 imprisonment.

18 4. Individuals shall not be liable under this section for  
19 transporting an illegal alien who is unlawfully present in the state for  
20 the purposes of delivering the individual to a medical facility, soup  
21 kitchen, institution for crisis counseling and intervention, or short-  
22 term shelter, or for sheltering such an alien who has been the victim of



23 **abuse.**

650.681. 1. Notwithstanding any other provision of law, no  
2 government entity, political subdivision, or government official within  
3 the state of Missouri shall prohibit, or in any way restrict, any  
4 government entity or official from communicating or cooperating with  
5 the United States Bureau of Immigration and Customs Enforcement  
6 regarding the citizenship or immigration status, lawful or unlawful, of  
7 any individual.

8 2. Notwithstanding any other provision of law, no person or  
9 agency within the state of Missouri shall prohibit, or in any way  
10 restrict, a public employee from doing any of the following with respect  
11 to information regarding the immigration status, lawful or unlawful, of  
12 any individual:

13 (1) Sending such information to, or requesting or receiving such  
14 information from, the United States Bureau of Immigration and  
15 Customs Enforcement;

16 (2) Maintaining such information;

17 (3) Exchanging such information with any other federal, state,  
18 or local government entity;

19 (4) Asking an individual his or her citizenship or immigration  
20 status.

21 3. Prior to January 1, 2009, the attorney general of the state of  
22 Missouri shall issue an opinion informing the general assembly of all  
23 government entities, agencies, and political subdivisions within the  
24 state of Missouri that have current policies, written or unwritten, in  
25 contravention of subsections 1 and 2 of this section.

26 4. Prior to the appropriating of funds to any government entity,  
27 agency, or political subdivision of this state, any member of the general  
28 assembly may request that the attorney general of the state of Missouri  
29 issue an opinion stating whether the government entity, agency, or  
30 political subdivision has current policies, written or unwritten, in  
31 contravention of subsections 1 and 2 of this section.

32 5. The state of Missouri shall not provide any funding to any  
33 government entity, agency, or political subdivision found to have a  
34 policy in contravention of subsections 1 and 2 of this section for the  
35 fiscal year directly following the violation.

1 [8.283. 1. If a state agency for whom work is being  
2 performed by a contractor determines upon reasonable evidence  
3 that the contractor or a subcontractor engaged to complete work  
4 required by the contract hired one or more aliens who are  
5 unauthorized to work in the United States, the state agency shall  
6 order the contractor to cause the discharge of such unauthorized  
7 workers.

8 2. If upon reasonable evidence the state agency determines  
9 that a contractor or subcontractor has knowingly violated the  
10 Immigration Reform and Control Act of 1986, or its successor  
11 statute, in employing aliens unauthorized to work in the United  
12 States, the agency may cause up to twenty percent of the total  
13 amount of the contract or subcontract performed by the employer  
14 of such unauthorized workers to be withheld from payment to the  
15 employer in violation of such statute.

16 3. If a contractor is determined by a state agency upon  
17 reasonable evidence to have engaged a subcontractor to complete  
18 work required by the contract with knowledge that the  
19 subcontractor violated or intended to violate the Immigration  
20 Reform and Control Act of 1986, or its successor statute, in hiring  
21 or continuing to employ aliens unauthorized to work in the United  
22 States, the state agency may withhold from the contractor up to  
23 double the amount caused to be withheld from payments to the  
24 subcontractor.

25 4. Any contractor or subcontractor from whom payment is  
26 withheld under subsection 2 or 3 of this section shall be ineligible  
27 to perform other contracts or subcontracts for the state of Missouri  
28 for a period of two years from the date of such action.

29 5. No state agency or contractor taking any action  
30 authorized by this section shall be subject to any claim arising from  
31 such action and shall be deemed in compliance with the laws of  
32 this state regarding timely payment.

33 6. The provisions of this section shall only be effective to  
34 the extent that such provisions are not preempted or prohibited by  
35 Section 1324(a) of Title 8 of the United States Code, as now or  
36 hereafter amended, and any regulations promulgated thereunder,

37 relating to the employment of unauthorized aliens.]

Section B. The provisions of sections 285.525, 285.530, 285.535, 285.540,  
2 285.545, and 285.550, of this act shall become effective on January 1, 2009.

Section C. The enactment of section 292.675 of this act shall become  
2 effective on August 28, 2009.

Section D. Because of the need to provide a level playing field for Missouri  
2 employers and workers, the provisions of sections 285.309 and 285.500 to 285.518  
3 of this act are deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and are hereby declared to be an emergency  
5 within the meaning of the constitution, and sections 285.309 and 285.500 to  
6 285.518 of this act shall be in full force and effect upon its passage and approval.

✓

Bill

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