

SECOND REGULAR SESSION

SENATE BILL NO. 819

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NIEVES.

Read 1st time February 22, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5814S.011

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

22 prohibiting the right of the people to petition the government for a
23 redress of grievances;

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

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

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

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

39 3. The general assembly finds that:

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

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

49 (3) The exemption for citizens of the United States in section
50 1022 of the National Defense Authorization Act for Fiscal Year 2012
51 only exempts citizens from a requirement and reads as follows, "The
52 requirement to detain a person in military custody under this section
53 does not extend to citizens of the United States";

54 (4) The enactment into law by the United States Congress of
55 Sections 1021 and 1022 of the National Defense Authorization Act for
56 Fiscal Year 2012 is inimical to the liberty, security, and well-being of
57 the people of Missouri, and was adopted by the United States Congress
58 in violation of the limits of federal power in the Constitution of the

59 United States, including but not limited to, those listed in subsection
60 2 of this section.

61 4. (1) The state of Missouri shall not provide material support
62 or participate in any way with the implementation of Sections 1021 and
63 1022 of the National Defense Authorization Act for Fiscal Year 2012
64 within the boundaries of this state.

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

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

77 5. (1) Any public officer, employee, or agent of the state of
78 Missouri, or any employee of a corporation providing services to the
79 state of Missouri that enforces or attempts to enforce an act, order, law,
80 statute, rule, or regulation of the government of the United States in
81 violation of subsection 4 of this section shall be guilty of a class B
82 misdemeanor.

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

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