

FIRST REGULAR SESSION

SENATE BILL NO. 64

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0458S.011

AN ACT

To repeal section 67.307, RSMo, and to enact in lieu thereof one new section relating to sanctuary policies for municipalities.

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

Section A. Section 67.307, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.307, to read as follows:

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

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

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

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

(4) "Sanctuary policy", any municipality's order [or], ordinance, **or law enforcement policy, regardless of whether formally enacted or [followed] informally adopted**, that:

(a) Limits or prohibits any municipality official or person employed by the municipality from communicating or cooperating with federal agencies or officials to verify or report the immigration status of any alien within such municipality; [or]

(b) Grants to illegal aliens the right to lawful presence or status within the municipality in violation of federal law;

(c) **Violates 8 U.S.C. Section 1373 in any way;**

(d) **Restricts in any way, or imposes any conditions upon, the municipality's cooperation or compliance with detainers or other**

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

20 requests from United States Immigration and Customs Enforcement to
21 maintain custody of any alien or to transfer any alien to the custody of
22 United States Immigration and Customs Enforcement;

23 (e) Requires United States Immigration and Customs
24 Enforcement to obtain a warrant or demonstrate probable cause before
25 complying with detainers or other requests from United States
26 Immigration and Customs Enforcement to maintain custody of any alien
27 or to transfer any alien to the custody of United States Immigration
28 and Customs Enforcement; or

29 (f) Prevents the municipality's law enforcement officers from
30 asking any individual his or her citizenship or immigration status.

31 2. No [municipality] **political subdivision of this state** shall enact or
32 adopt any sanctuary policy. Any [municipality] **political subdivision of this**
33 **state** that enacts or adopts a sanctuary policy shall be ineligible for any moneys
34 provided through grants administered by any state agency or department until
35 the sanctuary policy is repealed or is no longer in effect. Upon the complaint of
36 any state resident regarding a specific government entity, agency, or political
37 subdivision of this state or prior to the provision of funds or awarding of any
38 grants to a government entity, agency, or political subdivision of this state, any
39 member of the general assembly may request that the attorney general of the
40 state of Missouri issue an opinion stating whether the government entity, agency,
41 or political subdivision has current policies in contravention of this section.

42 3. The governing body, sheriff, or chief of police of each municipality shall
43 provide each law enforcement officer with written notice of their duty to cooperate
44 with state and federal agencies and officials on matters pertaining to enforcement
45 of state and federal laws governing immigration.

46 4. This section shall become effective on January 1, 2009.

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