

SENATE BILL NO. 1372

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR EIGEL.

4946S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 173.1110 and 208.009, RSMo, and to enact in lieu thereof three new sections relating to illegal immigrants, with penalty provisions.

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

Section A. Sections 173.1110 and 208.009, RSMo, are
2 repealed and three new sections enacted in lieu thereof, to be
3 known as sections 173.1110, 208.009, and 577.690, to read as
4 follows:

173.1110. 1. No covered student unlawfully present in
2 the United States shall [receive] **be enrolled in a**
3 postsecondary [education public benefit] **educational**
4 **institution. Postsecondary** educational institutions
5 [awarding postsecondary education public benefits to covered
6 students] shall verify that [these] **covered** students are
7 United States citizens, permanent residents, or lawfully
8 present in the United States **prior to enrollment.**

9 2. The following documents, in hard copy or electronic
10 form, may be used to document that a covered student is a
11 United States citizen, permanent resident, or is lawfully
12 present in the United States:

13 (1) The Free Application for Student Aid Institutional
14 Student Information Record;

15 (2) A state-issued driver's license;

16 (3) A state-issued nondriver's identification card;

17 (4) Documentary evidence recognized by the department
18 of revenue when processing an application for a driver's
19 license or nondriver's identification card;

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

- 20 (5) A United States birth certificate;
21 (6) A United States military identification card; or
22 (7) Any document issued by the federal government that
23 confirms an alien's lawful presence in the United States.

24 3. All postsecondary [higher education] **educational**
25 institutions shall annually certify to the department of
26 higher education and workforce development that they have
27 not knowingly [awarded a postsecondary education public
28 benefit to] **enrolled** a covered student who is unlawfully
29 present in the United States.

30 4. As used in this section, the following terms shall
31 mean:

32 (1) "Covered student", a student eighteen years of age
33 or older, who has graduated from high school and is
34 attending classes on the campus of a postsecondary
35 educational institution during regularly scheduled academic
36 sessions;

37 (2) "Postsecondary [education public benefit]
38 **educational institution**", [institutional financial aid
39 awarded by] **any [public postsecondary educational
40 institutions and state-administered postsecondary grants and
41 scholarships awarded by all postsecondary educational
42 institutions to covered students] institution of
43 postsecondary education, including a university, college,
44 and vocational and technical school.**

208.009. 1. No alien unlawfully present in the United
2 States shall receive any state or local public benefit,
3 except for state or local public benefits that may be
4 offered under 8 U.S.C. 1621(b). **No appropriation shall be
5 made by the general assembly to any entity, whether public
6 or private, for the purpose of providing services to aliens
7 unlawfully present in the United States.** Nothing in this

8 section shall be construed to prohibit the rendering of
9 emergency medical care, prenatal care, services offering
10 alternatives to abortion, emergency assistance, or legal
11 assistance to any person.

12 2. As used in this section, "public benefit" means any
13 grant, contract, or loan provided by an agency of state or
14 local government; or any retirement, welfare, health,
15 disability, housing, or food assistance benefit under which
16 payments, assistance, credits, or reduced rates or fees are
17 provided. The term "public benefit" shall not include
18 postsecondary education public benefits as defined in
19 section 173.1110, any municipal permit, or contracts or
20 agreements between public utility providers and their
21 customers or unemployment benefits payable under chapter
22 288. The unemployment compensation program shall verify the
23 lawful presence of an alien for the purpose of determining
24 eligibility for benefits in accordance with its own
25 procedures.

26 3. In addition to providing proof of other eligibility
27 requirements, at the time of application for any state or
28 local public benefit, an applicant who is eighteen years of
29 age or older shall provide affirmative proof that the
30 applicant is a citizen or a permanent resident of the United
31 States or is lawfully present in the United States. Such
32 affirmative proof shall include documentary evidence
33 recognized by the department of revenue when processing an
34 application for a driver's license, a Missouri driver's
35 license, as well as any document issued by the federal
36 government that confirms an alien's lawful presence in the
37 United States. In processing applications for public
38 benefits, an employee of an agency of state or local
39 government shall not inquire about the legal status of a

40 custodial parent or guardian applying for a public benefit
41 on behalf of his or her dependent child who is a citizen or
42 permanent resident of the United States.

43 4. An applicant who cannot provide the proof required
44 under this section at the time of application may
45 alternatively sign an affidavit under oath, attesting to
46 either United States citizenship or classification by the
47 United States as an alien lawfully admitted for permanent
48 residence, in order to receive temporary benefits or a
49 temporary identification document as provided in this
50 section. The affidavit shall be on or consistent with forms
51 prepared by the state or local government agency
52 administering the state or local public benefits and shall
53 include the applicant's Social Security number or any
54 applicable federal identification number and an explanation
55 of the penalties under state law for obtaining public
56 assistance benefits fraudulently.

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

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

63 (2) Indefinitely if the applicant provides a copy of a
64 completed application for a birth certificate that is
65 pending in Missouri or some other state. An extension
66 granted under this subsection shall terminate upon the
67 applicant's receipt of a birth certificate or a
68 determination that a birth certificate does not exist
69 because the applicant is not a United States citizen.

70 6. An applicant who is an alien shall not receive any
71 state or local public benefit unless the alien's lawful

72 presence in the United States is first verified by the
73 federal government. State and local agencies administering
74 public benefits in this state shall cooperate with the
75 United States Department of Homeland Security in achieving
76 verification of an alien's lawful presence in the United
77 States in furtherance of this section. The system utilized
78 may include the Systematic Alien Verification for
79 Entitlements Program operated by the United States
80 Department of Homeland Security. After an applicant's
81 lawful presence in the United States has been verified
82 through the Systematic Alien Verification for Entitlements
83 Program, no additional verification is required within the
84 same agency of the state or local government.

85 7. The provisions of this section shall not be
86 construed to require any nonprofit organization duly
87 registered with the Internal Revenue Service to enforce the
88 provisions of this section, nor does it prohibit such an
89 organization from providing aid.

90 8. Any agency that administers public benefits shall
91 provide assistance in obtaining appropriate documentation to
92 persons applying for public benefits who sign the affidavit
93 required by subsection 4 of this section stating they are
94 eligible for such benefits but lack the documents required
95 under subsection 3 of this section.

**577.690. 1. A person commits the offense of improper
2 entry by an alien if the person enters this state at any
3 time when the person is in violation of 8 U.S.C. Section
4 1325.**

**5 2. The offense of improper entry by an alien is
6 punishable by a fine of ten thousand dollars and shall be
7 subject to an order of removal, as provided pursuant to
8 subsection 3 of this section. For subsequent offenses, the**

9 offense of improper entry by an alien is a class E felony
10 and shall be subject to an order of removal, as provided in
11 subsection 3 of this section, upon the completion of any
12 prison term.

13 3. (1) A written order of removal may be issued only
14 if:

15 (a) The person has not previously been found guilty of
16 the offense of improper entry by an alien; and

17 (b) The person is not charged with another offense
18 that is punishable as a class A misdemeanor or any higher
19 category of offense.

20 (2) An order of removal shall include all of the
21 following:

22 (a) The manner of transportation of the person to a
23 port of entry, as defined by 19 CFR Part 101; and

24 (b) The law enforcement officer or state agency
25 responsible for monitoring compliance with the order.

26 4. In lieu of continuing the prosecution of or
27 entering an adjudication regarding the offense of improper
28 entry, the court at any time after the person's appearance
29 may, upon request, dismiss the charge pending against the
30 person and issue an order of removal, as provided in
31 subsection 3 of this section.

32 5. Any law enforcement officer whose duty it is to
33 enforce criminal laws of this state may, upon probable cause
34 that a person has violated subsection 1 of this section,
35 arrest or detain such person in a manner consistent with
36 chapter 544.

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