

FIRST REGULAR SESSION

# SENATE BILL NO. 137

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0439S.02I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 513.605, RSMo, and to enact in lieu thereof two 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Section A. Section 513.605, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 513.605 and 577.690, to read as follows:

513.605. As used in sections 513.600 to 513.645, unless the context clearly indicates otherwise, the following terms mean:

(1) (a) "Beneficial interest":

a. The interest of a person as a beneficiary under any other trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

b. The interest of a person under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person;

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general partnership or limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located;

19           (2) "Civil proceeding", any civil suit commenced by an  
20     investigative agency under any provision of sections 513.600  
21     to 513.645;

22           (3) "Criminal activity" is the commission, attempted  
23     commission, conspiracy to commit, or the solicitation,  
24     coercion or intimidation of another person to commit any  
25     crime which is chargeable by indictment or information under  
26     the following Missouri laws:

27           (a) Chapter 195, relating to drug regulations;

28           (b) Chapter 565, relating to offenses against the  
29     person;

30           (c) Chapter 566, relating to sexual offenses;

31           (d) Chapter 568, relating to offenses against the  
32     family;

33           (e) Chapter 569, relating to robbery, arson, burglary  
34     and related offenses;

35           (f) Chapter 570, relating to stealing and related  
36     offenses;

37           (g) Chapter 567, relating to prostitution;

38           (h) Chapter 573, relating to pornography and related  
39     offenses;

40           (i) Chapter 574, relating to offenses against public  
41     order;

42           (j) Chapter 575, relating to offenses against the  
43     administration of justice;

44           (k) Chapter 491, relating to witnesses;

45           (l) Chapter 572, relating to gambling;

46           (m) Chapter 311, but relating only to felony  
47     violations of this chapter committed by persons not duly  
48     licensed by the supervisor of liquor control;

49           (n) Chapter 571, relating to weapons offenses;

50           (o) Chapter 409, relating to regulation of securities;

51 (p) Chapter 301, relating to registration and  
52 licensing of motor vehicles;

53 (q) **Section 577.690, relating to the offense of**  
54 **improper entry by an alien;**

55 (4) "Criminal proceeding", any criminal prosecution  
56 commenced by an investigative agency under any criminal law  
57 of this state;

58 (5) "Investigative agency", the attorney general's  
59 office, or the office of any prosecuting attorney or circuit  
60 attorney;

61 (6) "Pecuniary value":

62 (a) Anything of value in the form of money, a  
63 negotiable instrument, a commercial interest, or anything  
64 else the primary significance of which is economic  
65 advantage; or

66 (b) Any other property or service that has a value in  
67 excess of one hundred dollars;

68 (7) "Real property", any estate or legal or equitable  
69 interest in land situated in this state or any interest in  
70 such real property, including, but not limited to, any lease  
71 or deed of trust upon such real property;

72 (8) "Seizing agency", the agency which is the primary  
73 employer of the officer or agent seizing the property,  
74 including any agency in which one or more of the employees  
75 acting on behalf of the seizing agency is employed by the  
76 state of Missouri or any political subdivision of this state;

77 (9) "Seizure", the point at which any law enforcement  
78 officer or agent discovers and exercises any control over  
79 property that an officer or agent has reason to believe was  
80 used or intended for use in the course of, derived from, or  
81 realized through criminal activity. Seizure includes but is  
82 not limited to preventing anyone found in possession of the

83 property from leaving the scene of the investigation while  
84 in possession of the property;

85 (10) (a) "Trustee":

86 a. Any person who holds legal or record title to real  
87 property for which any other person has a beneficial  
88 interest; or

89 b. Any successor trustee or trustees to any of the  
90 foregoing persons;

91 (b) "Trustee" does not include the following:

92 a. Any person appointed or acting as a personal  
93 representative under chapter 475 or under chapter 473;

94 b. Any person appointed or acting as a trustee of any  
95 testamentary trust or as trustee of any indenture of trust  
96 under which any bonds are or are to be issued.

**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 one hundred thousand dollars and  
7 shall be subject to an order of removal, as provided  
8 pursuant to subsection 3 of this section.**

**9 3. An order of removal shall include all of the  
10 following:**

**11 (1) The manner of transportation of the person to a  
12 port of entry, as defined by 19 CFR Part 101; and**

**13 (2) The law enforcement officer or state agency  
14 responsible for monitoring compliance with the order.**

**15 4. In lieu of continuing the prosecution of or  
16 entering an adjudication regarding the offense of improper  
17 entry, the court at any time after the person's appearance  
18 may, upon request, dismiss the charge pending against the**

19 person and issue an order of removal, as provided in  
20 subsection 3 of this section.

21 5. The offense of improper entry by an alien shall be  
22 subject to the provisions of sections 513.600 to 513.645.

23 6. Any law enforcement officer whose duty it is to  
24 enforce criminal laws of this state may, upon probable cause  
25 that a person has violated subsection 1 of this section,  
26 arrest or detain such person in a manner consistent with  
27 chapter 544.

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