

# SENATE BILL NO. 1265

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5307S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 67.307, 285.530, and 577.675, RSMo, and to enact in lieu thereof four new sections relating to illegal aliens, with penalty provisions.

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

Section A. Sections 67.307, 285.530, and 577.675, RSMo,  
2 are repealed and four new sections enacted in lieu thereof, to  
3 be known as sections 67.307, 285.530, 577.675, and 590.250, to  
4 read as follows:

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

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

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

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

11 (4) "Sanctuary policy", any municipality's order or  
12 ordinance, enacted or followed that:

13 (a) Limits or prohibits any municipality official or  
14 person employed by the municipality from communicating or  
15 cooperating with federal agencies or officials to verify or

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

16 report the immigration status of any alien within such  
17 municipality; or

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

21 2. **(1)** No municipality shall enact or adopt any  
22 sanctuary policy. Any municipality that enacts or adopts a  
23 sanctuary policy:

24 **(a)** Shall be ineligible for any moneys provided  
25 through grants administered by any state agency or  
26 department until the sanctuary policy is repealed or is no  
27 longer in effect; **and**

28 **(b) Shall be subject to a fine of twenty-five thousand**  
29 **five hundred dollars for each day on which the municipality**  
30 **has such sanctuary policy in effect.**

31 **(2)** Upon the complaint of any state resident regarding  
32 a specific government entity, agency, or political  
33 subdivision of this state or prior to the provision of funds  
34 or awarding of any grants to a government entity, agency, or  
35 political subdivision of this state, any member of the  
36 general assembly may request that the attorney general of  
37 the state of Missouri issue an opinion stating whether the  
38 government entity, agency, or political subdivision has  
39 current policies in contravention of this section.

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

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

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

5 2. As a condition for the award of any contract or  
6 grant in excess of five thousand dollars by the state or by  
7 any political subdivision of the state to a business entity,  
8 or for any business entity receiving a state-administered or  
9 subsidized tax credit, tax abatement, or loan from the  
10 state, the business entity shall, by sworn affidavit and  
11 provision of documentation, affirm its enrollment and  
12 participation in a federal work authorization program with  
13 respect to the employees working in connection with the  
14 contracted services. Every such business entity shall also  
15 sign an affidavit affirming that it does not knowingly  
16 employ any person who is an unauthorized alien in connection  
17 with the contracted services. Any entity contracting with  
18 the state or any political subdivision of the state shall  
19 only be required to provide the affidavits required in this  
20 subsection to the state and any political subdivision of the  
21 state with which it contracts, on an annual basis. During  
22 or immediately after an emergency, the requirements of this  
23 subsection that a business entity enroll and participate in  
24 a federal work authorization program shall be suspended for  
25 fifteen working days. As used in this subsection,  
26 "emergency" includes the following natural and manmade  
27 disasters: major snow and ice storms, floods, tornadoes,  
28 severe weather, earthquakes, hazardous material incidents,  
29 nuclear power plant accidents, other radiological hazards,  
30 and major mechanical failures of a public utility facility.

31 3. All [public] employers shall enroll and actively  
32 participate in a federal work authorization program.

33           4. An employer [may enroll and participate in a  
34 federal work authorization program and] shall verify the  
35 employment eligibility of every employee in the employer's  
36 hire whose employment commences after the employer enrolls  
37 in a federal work authorization program. The employer shall  
38 retain a copy of the dated verification report received from  
39 the federal government. Any business entity that  
40 participates in such program shall have an affirmative  
41 defense that such business entity has not violated  
42 subsection 1 of this section.

43           5. A general contractor or subcontractor of any tier  
44 shall not be liable under sections 285.525 to 285.550 when  
45 such general contractor or subcontractor contracts with its  
46 direct subcontractor who violates subsection 1 of this  
47 section, if the contract binding the contractor and  
48 subcontractor affirmatively states that the direct  
49 subcontractor is not knowingly in violation of subsection 1  
50 of this section and shall not henceforth be in such  
51 violation and the contractor or subcontractor receives a  
52 sworn affidavit under the penalty of perjury attesting to  
53 the fact that the direct subcontractor's employees are  
54 lawfully present in the United States.

577.675. 1. A person commits the offense of  
2 transportation, **concealment, or inducement** of an illegal  
3 alien if he or she knowingly:

4           **(1)** Transports, moves, or attempts to transport or  
5 move any illegal alien;

6           **(2) Conceals, harbors, or shields or attempts to**  
7 **conceal, harbor, or shield an illegal alien from detection**  
8 **in any place in this state, including any building or any**  
9 **means of transportation, if the person knows or recklessly**

disregards the fact that the alien has come to, has entered,  
or remains in the United States in violation of law; or

(3) Encourages or induces an illegal alien to come to  
or reside in this state.

2. For purposes of this section, the term "illegal  
alien" means any illegal alien who is not lawfully present  
in the United States, according to the terms of 8 U.S.C.  
Section 1101, et seq., for the purposes of trafficking in  
violation of sections 566.200 to 566.215, drug trafficking  
in violation of sections 579.065 and 579.068, prostitution  
in violation of chapter 567, or employment.

[2.] 3. The offense of transportation, **concealment, or  
inducement** of an illegal alien is a class D felony.

[3.] 4. Nothing in this section shall be construed to  
deny any victim of an offense under sections 566.200 to  
566.215 of rights afforded by the federal Trafficking  
Victims Protection Act of 2000, Public Law 106-386, as  
amended.

590.250. Any law enforcement officer or agency may  
enforce the provisions of immigration law found in Title 8  
of the United States Code that establish criminal penalties.

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