

SENATE BILL NO. 1321

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

4281S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 577, RSMo, by adding thereto one new section relating to illegal immigrants, with penalty provisions.

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

Section A. Chapter 577, RSMo, is amended by adding thereto
2 one new section, to be known as section 577.690, to read as
3 follows:

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. (1) 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. If a person has been charged with another
13 offense that is punishable as a class A misdemeanor or any
14 higher category offense, the person shall complete any term
15 of imprisonment or pay any fine prior to being subject to an
16 order of removal.

17 (2) Any person serving a term of imprisonment pursuant
18 to subdivision (1) of this subsection may petition the
19 circuit court for an order of removal, which the court shall
20 grant absent aggravating circumstances which, in the
21 discretion of the court, require denial of such a petition.
22 Any person granted an order of removal pursuant to this
23 subdivision who thereafter returns to this state in
24 violation of 8 U.S.C. Section 1325 shall be subject to the
25 remainder of any term of imprisonment to which the person
26 was previously sentenced but had not completed prior to the
27 removal and such person shall not be entitled to apply to
28 the circuit court for any further orders of removal.

29 3. An order of removal shall include all of the
30 following:

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

33 (2) The law enforcement officer or state agency
34 responsible for monitoring compliance with the order.

35 4. In lieu of continuing the prosecution of or
36 entering an adjudication regarding the offense of improper
37 entry, the court at any time after the person's appearance
38 may, upon request, dismiss the charge pending against the
39 person and issue an order of removal, as provided in
40 subsection 3 of this section.

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

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