

SENATE BILL NO. 1338

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

4696S.011

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Section A. Section 513.605, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections
3 513.605 and 577.690, to read as follows:

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

4 (1) (a) "Beneficial interest":

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

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

13 (b) "Beneficial interest" does not include the
14 interest of a stockholder in a corporation or the interest
15 of a partner in either a general partnership or limited
16 partnership. A beneficial interest shall be deemed to be

17 located where the real property owned by the trustee is
18 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 301, relating to registration and
29 licensing of motor vehicles;

30 (c) Chapter 304, but relating only to felony
31 violations of this chapter involving the use of a motor
32 vehicle;

33 (d) Chapter 311, but relating only to felony
34 violations of this chapter committed by persons not duly
35 licensed by the supervisor of liquor control;

36 (e) Chapter 409, relating to regulation of securities;

37 (f) Chapter 491, relating to witnesses;

38 (g) Chapter 565, relating to offenses against the
39 person;

40 (h) Chapter 566, relating to sexual offenses;

41 (i) Chapter 567, relating to prostitution;

42 (j) Chapter 568, relating to offenses against the
43 family;

44 (k) Chapter 569, relating to robbery, arson, burglary
45 and related offenses;

46 (l) Chapter 570, relating to stealing and related
47 offenses;

48 (m) Chapter 571, relating to weapons offenses;

- 49 (n) Chapter 572, relating to gambling;
- 50 (o) Chapter 573, relating to pornography and related
51 offenses;
- 52 (p) Chapter 574, relating to offenses against public
53 order;
- 54 (q) Chapter 575, relating to offenses against the
55 administration of justice;
- 56 (r) Chapter 578, but only relating to offenses by a
57 criminal street gang;
- 58 **(s) Section 577.690, relating to the offense of**
59 **improper entry by an alien;**
- 60 (4) "Criminal proceeding", any criminal prosecution
61 commenced by an investigative agency under any criminal law
62 of this state;
- 63 (5) "Investigative agency", the attorney general's
64 office, or the office of any prosecuting attorney or circuit
65 attorney;
- 66 (6) "Pecuniary value":
- 67 (a) Anything of value in the form of money, a
68 negotiable instrument, a commercial interest, or anything
69 else the primary significance of which is economic
70 advantage; or
- 71 (b) Any other property or service that has a value in
72 excess of one hundred dollars;
- 73 (7) "Real property", any estate or legal or equitable
74 interest in land situated in this state or any interest in
75 such real property, including, but not limited to, any lease
76 or deed of trust upon such real property;
- 77 (8) "Seizing agency", the agency which is the primary
78 employer of the officer or agent seizing the property,
79 including any agency in which one or more of the employees

80 acting on behalf of the seizing agency is employed by the
81 state of Missouri or any political subdivision of this state;

82 (9) "Seizure", the point at which any law enforcement
83 officer or agent discovers and exercises any control over
84 property that an officer or agent has reason to believe was
85 used or intended for use in the course of, derived from, or
86 realized through criminal activity. Seizure includes but is
87 not limited to preventing anyone found in possession of the
88 property from leaving the scene of the investigation while
89 in possession of the property;

90 (10) (a) "Trustee":

91 a. Any person who holds legal or record title to real
92 property for which any other person has a beneficial
93 interest; or

94 b. Any successor trustee or trustees to any of the
95 foregoing persons;

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

97 a. Any person appointed or acting as a personal
98 representative under chapter 475 or under chapter 473;

99 b. Any person appointed or acting as a trustee of any
100 testamentary trust or as trustee of any indenture of trust
101 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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