

# SENATE BILL NO. 1638

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

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KRISTINA MARTIN, Secretary

## AN ACT

To amend chapters 1 and 578, RSMo, by adding thereto two new sections relating to the physical presence of certain federal personnel, with penalty provisions.

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

Section A. Chapters 1 and 578, RSMo, are amended by adding  
2 thereto two new sections, to be known as sections 1.3060 and  
3 578.251, to read as follows:

1.3060. 1. Notwithstanding any other provision of law  
2 to the contrary, any person authorized by federal law to  
3 inspect, apprehend, examine, detain, or remove aliens in  
4 this country shall not conceal his or her identity as  
5 federal personnel or wear a facial covering that conceals or  
6 obscures his or her facial identity in the performance of  
7 his or her duties, except as expressly authorized in this  
8 section.

9 2. For purposes of this section, "facial covering"  
10 means any opaque mask, garment, helmet, headgear, or other  
11 item that conceals or obscures the facial identity of an  
12 individual including, but not limited to, a balaclava,  
13 tactical mask, gaiter, ski mask, and any similar type of  
14 facial covering or face-shielding item. A facial covering  
15 does not include any of the following:

16 (1) A translucent face shield or clear mask that does  
17 not conceal the wearer's facial identity;

18           (2) An N95 medical mask or surgical mask to protect  
19 against transmission of disease or infection, or any other  
20 mask, helmet, or device including, but not limited to, air-  
21 purifying respirators, full or half masks, or self-contained  
22 breathing apparatus necessary to protect against exposure to  
23 any toxin, gas, smoke, inclement weather, or any other  
24 hazardous or harmful environmental condition;

25           (3) A mask, helmet, or device including, but not  
26 limited to, a self-contained breathing apparatus, necessary  
27 for underwater use;

28           (4) A motorcycle helmet when worn by an agent  
29 utilizing a motorcycle or other vehicle that requires a  
30 helmet for safe operation while in the performance of their  
31 duties; or

32           (5) Eyewear necessary to protect from the use of  
33 retinal weapons including, but not limited to, lasers.

34           3. This section shall not apply to:

35           (1) Agents performing their duties as undercover  
36 operatives during an active undercover operation or as  
37 needed to protect their identity following the conclusion of  
38 an undercover operation; or

39           (2) Agents assigned to a Special Response Team (SRT)  
40 while actively performing their SRT responsibilities.

41           4. A willful and knowing violation of this section is  
42 punishable as a class A misdemeanor.

578.251. 1. Any person authorized by federal law to  
2 inspect, apprehend, examine, detain, or remove aliens in  
3 this country shall not, while in the execution of their  
4 duties, be within one thousand feet of the following  
5 locations:

6           (1) Any polling place on election day;

7           (2) The facility of any adult or juvenile detention or  
8       correctional institution, prison, or jail;

9           (3) Any courthouse solely occupied by the circuit,  
10       appellate or supreme court, or any courtrooms,  
11       administrative offices, libraries or other rooms of any such  
12       court whether or not such court solely occupies the building  
13       in question. This subdivision shall also include, but not  
14       be limited to, any juvenile, family, drug, or other court  
15       offices, any room or office wherein any of the courts or  
16       offices listed in this subdivision are temporarily  
17       conducting any business within the jurisdiction of such  
18       courts or offices;

19          (4) Any meeting of the governing body of a unit of  
20       local government, or any meeting of the general assembly or  
21       a committee of the general assembly;

22          (5) Any establishment licensed to dispense  
23       intoxicating liquor for consumption on the premises;

24          (6) Any area of an airport;

25          (7) Any higher education institution or elementary or  
26       secondary school facility;

27          (8) Any portion of a building used as a child care  
28       facility;

29          (9) Any riverboat gambling operation accessible by the  
30       public;

31          (10) Any gated area of an amusement park;

32          (11) Any church or other place of religious worship  
33       without the consent of the minister or person or persons  
34       representing the religious organization that exercises  
35       control over the place of religious worship;

36          (12) Any private property whose owner has posted the  
37       premises as being off-limits to Immigration and Customs  
38       Enforcement Agency or its agents by means of one or more

39 signs displayed in a conspicuous place of a minimum size of  
40 eleven inches by fourteen inches with the writing thereon in  
41 letters of not less than one inch;

42 (13) Any sports arena or stadium;

43 (14) Any hospital accessible by the public;

44 (15) Any library accessible by the public;

45 2. Any violation of subsection 1 of this section shall  
46 be punishable by fine payable to the county in which the  
47 offense took place as follows:

48 (1) The federal department or agency responsible for  
49 the action and all offending persons shall each be fined one  
50 thousand dollars for the first offense;

51 (2) For any subsequent offense, the federal department  
52 or agency responsible for the action and all offending  
53 persons shall each be fined two thousand five hundred  
54 dollars.

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