

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 58

AN ACT

To amend chapters 44 and 577, RSMo, by adding thereto three 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. Chapters 44 and 577, RSMo, are amended by adding thereto three new sections, to be known as sections 44.500, 577.690, and 577.695, to read as follows:

44.500. 1. This section shall be known and may be cited as the "Interstate Compact for Border Security Act".

2. The purpose of this compact is to deter illegal entry and unlawful reentry into this state by an alien and to join with other states in mutual assistance in order for border states to control the influx with respect to illegal immigration that consequentially threatens the safety and security of Missouri citizens.

3. The governor, with the legal assistance of the attorney general, is hereby authorized to negotiate and assist any state in an interstate compact for border security among interested states in securing the United States-Mexico border.

4. Any interstate compact that may be developed and executed under the authority of this section shall, in order to take effect, represent a voluntary association of sovereign states of the United States of America, with the understanding that any such interstate compact shall not in any way increase the political authority of the compacting states in relation to the federal government or in any other

manner that violates the Constitution of the United States of America.

5. The interstate compact authorized by this section shall provide for joint action among the states that participate in the compact to pursue all security priorities, as follows:

(1) Sharing of law enforcement intelligence on illegal activity occurring at or in proximity to the United States-Mexico border;

(2) Sharing of state resources in order to build physical barriers, comprehensive technological surveillance systems, or combinations of barriers and surveillance systems on state property for the purposes of deterring and detecting illegal activity at or in proximity to the United States-Mexico border;

(3) Sharing of other law enforcement resources to ensure the protection of personnel and property of citizens of the states participating in the compact.

6. Once the governor, with the assistance of the attorney general, negotiates and assists with preparation and finalization of the compact to secure the United States-Mexico border, the governor shall promptly submit the Interstate Compact for Border Security to the general assembly for approval and the appropriation of necessary funds to fulfill the purposes provided for in subsection 5 of this section. The compact shall not take effect unless approved by the general assembly by concurrent resolution with a majority of the members elected to each house being recorded as voting favorably.

7. The governor may rescind or modify any compact approved pursuant to this section, provided that any modification shall not take effect unless approved by the general assembly by concurrent resolution with a majority of

the members elected to each house being recorded as voting favorably.

577.690. 1. A person commits the offense of improper entry by an illegal alien if the person enters this state at any time when the person is in violation of 8 U.S.C. Section 1325.

2. The offense of improper entry by an illegal alien is punishable by a fine of ten thousand dollars and shall be subject to an order of removal, as provided pursuant to subsection 3 of this section. For subsequent offenses, the offense of improper entry by an illegal alien is a class E felony and shall be subject to an order of removal, as provided in subsection 3 of this section, upon the completion of any prison term.

3. (1) A written order of removal may be issued only if:

(a) The person has not previously been found guilty of the offense of improper entry by an illegal alien; and

(b) The person is not charged with another offense that is punishable as a class A misdemeanor or any higher category of offense.

(2) An order of removal shall include all of the following:

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

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

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

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

6. For purposes of this section, the term "illegal alien" has the same meaning as in section 166.700.

577.695. 1. A person commits the offense of aggravated illegal presence if, while in violation of 8 U.S.C. Section 1325, he or she is arrested for any violation of Missouri law.

2. The offense of aggravated illegal presence is a class E felony, provided that if the underlying arrest is a felony, the offense of aggravated illegal presence is a class C felony and if the underlying arrest is a dangerous felony, the offense of aggravated illegal presence is a class A felony.