

FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 58

103RD GENERAL ASSEMBLY

0119S.03C

KRISTINA MARTIN, Secretary

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
2 adding thereto three new sections, to be known as sections
3 44.500, 577.690, and 577.695, to read as follows:

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

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

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

**14 4. Any interstate compact that may be developed and
15 executed under the authority of this section shall, in order
16 to take effect, represent a voluntary association of
17 sovereign states of the United States of America, with the**

18 understanding that any such interstate compact shall not in
19 any way increase the political authority of the compacting
20 states in relation to the federal government or in any other
21 manner that violates the Constitution of the United States
22 of America.

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

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

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

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

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

50 7. The governor may rescind or modify any compact
51 approved pursuant to this section, provided that any
52 modification shall not take effect unless approved by the
53 general assembly by concurrent resolution with a majority of
54 the members elected to each house being recorded as voting
55 favorably.

 577.690. 1. A person commits the offense of improper
2 entry by an illegal alien if the person enters this state at
3 any time when the person is in violation of 8 U.S.C. Section
4 1325.

 2. The offense of improper entry by an illegal alien
6 is 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 illegal alien is a class E
10 felony and shall be subject to an order of removal, as
11 provided in subsection 3 of this section, upon the
12 completion of any prison term.

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

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

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

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

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

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

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

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

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

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

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

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