

SENATE BILL NO. 480

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (15).

1601S.04I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 544, RSMo, by adding thereto one new section relating to illegal aliens, with a contingent effective date.

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

Section A. Chapter 544, RSMo, is amended by adding thereto
2 one new section, to be known as section 544.680, to read as
3 follows:

544.680. 1. During the initial appearance of a
2 defendant charged with the offense of trespass by an illegal
3 alien under section 577.678, the court shall make findings
4 as to whether or not the defendant is seeking asylum under
5 provisions of 8 U.S.C. Section 1158. If the court finds
6 that the defendant is seeking asylum and does not pose a
7 danger to the community, the defendant may be released under
8 such conditions as the court may impose. If the court finds
9 that the defendant is seeking asylum but poses a danger to
10 the community, the defendant shall be denied bail entirely
11 and such defendant shall not be released from custody of the
12 jail of the county in which the case is to be tried until
13 discharged by due course of law. In order to be charged
14 with the offense of trespass by an illegal alien under
15 section 577.678, the person shall be eighteen years of age
16 or older.

17 2. Any person arrested for the offense of trespass by
18 an illegal alien under section 577.678 who is driving a

19 motor vehicle at the time of arrest shall have such motor
20 vehicle confiscated until such time as the person shall
21 prove to the satisfaction of the court that such person is
22 legally present in this country.

23 3. It is an affirmative defense that the defendant
24 engaged in the conduct constituting the offense of trespass
25 by an illegal alien under section 577.678 because he or she
26 was coerced to do so, by the use of, or threatened imminent
27 use of, unlawful physical force upon him or her or a third
28 person, which force or threatened force a person of
29 reasonable firmness in his or her situation would have been
30 unable to resist.

Section B. The provisions of section A of this act
2 shall not become effective until Senate Bill 72, introduced
3 in the 103rd General Assembly, First Regular Session, has
4 become law.

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