

# SENATE BILL NO. 58

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR CARTER.

0119S.02I

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 unlawful  
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 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.

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

          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 D felony and if the underlying arrest is a dangerous  
9 felony, the offense of aggravated illegal presence is a  
10 class B felony.

✓