

SECOND REGULAR SESSION

HOUSE BILL NO. 1395

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DUSENBERG (Sponsor), ERVIN, RUESTMAN, FISHER
SCHAD, BROWN (30) AND YATES (Co-sponsors).

Pre-filed December 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3201L.01I

AN ACT

To amend chapter 67, RSMo, by adding thereto one new section relating to sanctuary for illegal aliens.

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

Section A. Chapter 67, RSMo, is amended by adding thereto one new section, to be
2 known as section 67.307, to read as follows:

67.307. 1. As used in this section, the following terms mean:

2 **(1) "Detention facility", any municipal detention facility, county jail, or**
3 **correctional facility operated by the department of corrections;**

4 **(2) "Domestic violence", an act or threatened act of violence upon a person with**
5 **whom the actor is or has been involved in an intimate relationship. "Domestic violence"**
6 **also includes any other crime against a person or against property, including an animal,**
7 **or any municipal ordinance violation against a person or against property, including an**
8 **animal, when used as a method of coercion, control, punishment, intimidation, or revenge**
9 **directed against a person with whom the actor is or has been involved in an intimate**
10 **relationship;**

11 **(3) "Intimate relationship", a relationship between spouses, former spouses, past**
12 **or present unmarried couples, or persons who are both the parents of the same child**
13 **regardless of whether the persons have been married or have lived together at any time;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (4) "Law enforcement officer", a sheriff or peace officer of a municipality with the
15 duty and power of arrest for violation of the general criminal laws of the state or for
16 violation of ordinances of municipalities;

17 (5) "Municipality", any county, city, town, or village;

18 (6) "Municipality official", any elected or appointed official or any law
19 enforcement officer serving the municipality;

20 (7) "Sanctuary policy", any municipality's order, ordinance, or policy enacted or
21 followed that:

22 (a) Limits or prohibits any municipality official or person employed by the
23 municipality from communicating or cooperating with federal agencies or officials with
24 regard to the immigration status of any person within such municipality; or

25 (b) Allows illegal aliens to reside within the municipality in violation of federal
26 immigration law.

27 2. No municipality shall enact or adopt any sanctuary policy. Any municipality
28 that enacts or adopts a sanctuary policy shall be ineligible for any moneys provided
29 through grants administered by any state agency or department until the sanctuary policy
30 is repealed or is no longer in effect.

31 3. Any law enforcement officer who has probable cause to believe that any person
32 arrested by the law enforcement officer for a criminal offense is not legally present in the
33 United States shall report such person to the U.S. Citizenship and Immigration Services
34 if such person is not held at a detention facility. If such person is held at a detention
35 facility, and a law enforcement officer reasonably believes that the person is not legally
36 present in the United States, the law enforcement officer shall report such person to the
37 U.S. Citizenship and Immigration Services.

38 4. The governing body of each municipality shall provide each law enforcement
39 officer with written notice of their duty to cooperate with state and federal agencies and
40 officials on matters pertaining to enforcement of state and federal laws governing
41 immigration, and of the duty to comply with subsection 3 of this section.

42 5. The governing body of each municipality shall annually submit written
43 confirmation to the general assembly, on or before March first, that the municipality has
44 provided the notice required in subsection 4 of this section and stating the number of
45 reports made by the municipality to the U.S. Citizenship and Immigration Services under
46 this section.

47 6. No person arrested for a suspected act of domestic violence shall be reported
48 under this section until the person is convicted of a domestic violence offense.

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