

SECOND REGULAR SESSION

HOUSE BILL NO. 2151

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor), MCGHEE, SANDER, DEEKEN, ONDER, DAVIS, THOMSON, WALLACE, FUNDERBURK, WELLS AND RUESTMAN (Co-sponsors).

Read 1st time February 14, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4580L.04I

AN ACT

To amend chapter 577, RSMo, by adding thereto six new sections relating to the Missouri immigration act, with penalty provisions.

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

Section A. Chapter 577, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 577.850, 577.852, 577.854, 577.856, 577.858, and 577.860, to read as
3 follows:

**577.850. Sections 577.850 to 577.860 shall be known as the "Missouri Immigration
2 Act".**

**577.852. 1. A person commits the crime of being a noncitizen illegally present in
2 the state of Missouri if such person is present within the state and is a noncitizen who is not
3 legally present in the United States.**

2. Being a noncitizen illegally present in the state of Missouri is a class D felony.

**577.854. The attorney general is authorized and directed to enter into a cooperative
2 agreement with any other state necessary to secure authorization for the state of Missouri
3 to transport any person who is found within the borders of this state and who is not legally
4 present in the United States through such state for the purpose of delivering such person
5 to the Department of Homeland Security at a federal border. In such agreement the
6 attorney general is authorized and directed to grant authorization for the other state to
7 transport persons found within their state and not legally present in the United States**

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.

8 through the state of Missouri for the purpose of being delivered by that state to the
9 Department of Homeland Security at a federal border.

577.856. Every multijurisdictional enforcement group or MEG as those terms are
2 defined in section 195.501, RSMo, shall be authorized to train volunteers to safely
3 transport persons who are found within Missouri and who are not legally present in the
4 United States to a federal border for the purpose of delivering such persons to the
5 Department of Homeland Security.

577.858. 1. Beginning July 1, 2009, no person or business entity in this state shall
2 hire a noncitizen employee without first requiring that employee to present a valid photo
3 identification card from the department of labor.

4 2. Beginning January 1, 2009, the department of labor shall accept applications for
5 a photo identification card from any noncitizen employee in this state who applies for such
6 photo identification card for the purpose of seeking employment.

7 3. It shall be the responsibility of the department of labor to verify through the
8 Department of Homeland Security or other agency designated by the Department of
9 Homeland Security whether the applicant is legally present in the United States. If the
10 applicant is not legally present in the United States the applicant shall be denied a photo
11 identification card. If the applicant is legally present in the United States the department
12 of labor shall issue such applicant a photo identification card which the applicant can then
13 use to seek employment in this state.

14 4. The photo identification card shall contain a current photograph of the applicant
15 and sufficient other identifying information to allow employers to readily match the
16 cardholder with the card itself.

17 5. The department of labor shall develop a list of the types of documents that it will
18 accept from applicants as proof of their legal status in this country and shall make such list
19 readily available to the applicants and the general public.

20 6. The department of labor shall establish and maintain a web page on the Internet
21 which shall be open to all employers in the state and shall include a photo identification
22 card search capability which shall make it possible for any employer in this state to search
23 by name for the person presenting a department of labor photo identification card to them
24 for the purposes of employment so that the employer may compare the photograph on the
25 web page with the photograph on the photo identification card. The web page shall
26 contain the names and photographs of every person who has been issued a photo
27 identification card.

28 7. Any person or business entity who violates the provisions of this section shall be
29 guilty of a class D felony.

30 8. The department of labor shall have the authority to adopt any rules and
31 regulations necessary or desirable to carry out the provisions of this section. Any rule or
32 portion of a rule, as that term is defined in section 536.010, RSMo, that is created under
33 the authority delegated in this section shall become effective only if it complies with and
34 is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
35 RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
36 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
37 effective date, or to disapprove and annul a rule are subsequently held unconstitutional,
38 then the grant of rulemaking authority and any rule proposed or adopted after August 28,
39 2008, shall be invalid and void.

 577.860. 1. Beginning January 1, 2009, and prior to July 1, 2009, any person who
2 is employed in this state and who is an immigrant to the United States, whether legal or
3 illegal, shall apply to the department of labor for a photo identification card.

4 2. There is hereby created in the state of Missouri an immigrant "Guest Worker
5 Program". Beginning January 1, 2009, the department of labor shall accept applications
6 for a photo identification card from any person who is employed in this state who is an
7 immigrant to the United States, whether legal or not, who applies for such photo
8 identification card for the purpose of maintaining employment. Immigrant employees who
9 are not legally present will have to obtain employer sponsorship to remain employed
10 otherwise such employees will be deported.

11 3. The department of labor shall verify through the Department of Homeland
12 Security or other agency designated by the Department of Homeland Security whether the
13 applicant is legally present in the United States and whether such applicant has any
14 criminal convictions. If the applicant has any criminal convictions the applicant shall be
15 denied a photo identification card and the department of labor shall notify the employer,
16 in writing, by registered mail, of such denial. The employer shall, within three calendar
17 days of receiving such notice, either terminate that employee for failure to obtain a valid
18 photo identification card or apply for sponsorship through Missouri's guest worker
19 program and show a hardship status. If hardship status is obtained an employer may keep
20 such employee for up to but not exceeding a maximum of five years. The department of
21 labor will act as an intermediary between the employer and the Department of Homeland
22 Security and Immigration and Customs Enforcement (ICE) to secure the proper
23 documentation for such employee to remain in the United States. Any noncitizen employee
24 who has a criminal history other than a violation relating to his or her immigration status
25 shall not be eligible for sponsorship through Missouri's guest worker program and shall
26 not be allowed to remain. If the applicant does not have any criminal convictions the

27 department of labor shall issue such applicant a photo identification card whether or not
28 the applicant is legally present in the United States to show the applicant's status and the
29 applicant shall present such photo identification card to the employer within five calendar
30 days of receiving such card.

31 4. If by July 1, 2009, an employer has any immigrant employees who have not
32 presented a valid photo identification card to them it shall be the responsibility of that
33 employer to check with the department of labor, within five calendar days, to inquire
34 whether such employees have made application for a photo identification card. If any such
35 employee has not made application for a photo identification card as required by the
36 provisions of this section the employer shall within three calendar days terminate the
37 employment of such employee.

38 5. The department of labor may charge the employer a fee for processing any
39 application for a photo identification card requested as a result of the provisions of this
40 section from any employee of that employer, in an amount to be determined by the director
41 of the department of labor, but not to exceed the cost of processing and issuing the photo
42 identification card and notifying the employer of any denial. No person who applies for
43 a photo identification card under the provisions of this section shall be charged a fee.

44 6. The photo identification card shall contain a current photograph of the applicant
45 and sufficient other identifying information to allow employers to readily match the
46 cardholder with the card itself and shall contain a designation of "legally present" if such
47 person is determined to be legally present in the United States or a designation of "not
48 legally present" if such person is determined not to be legally present in the United States.

49 7. The department of labor shall develop a list of the types of documents that it will
50 accept from applicants as proof of their legal status in this country and shall make such list
51 readily available to the applicants and the general public.

52 8. Beginning January 1, 2009, every employer in this state who has any employee
53 who is an immigrant to the United States, whether legal or not, shall post a notice in an
54 area accessible to all employees which shall state the following: "Any person who is
55 employed here who is an immigrant to the United States, whether legal or not, shall prior
56 to July 1, 2009, apply for a photo identification card from the department of labor in order
57 to verify their status. Every person who is employed here who is issued a photo
58 identification card from the department of labor shall present such photo identification
59 card to his or her supervisor within five calendar days of receiving such card. There will
60 be no cost to the employee for applying for and receiving such photo identification card.
61 Failure to apply for, receive, or present such card to your supervisor within the required
62 time period will result in termination of your employment."

63 **9. No employer who terminates an employee under the provisions of this section**
64 **shall be liable criminally or civilly in any manner for such termination.**

65 **10. The department of labor shall have the authority to adopt any rules and**
66 **regulations necessary or desirable to carry out the provisions of this section. Any rule or**
67 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**
68 **the authority delegated in this section shall become effective only if it complies with and**
69 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
70 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
71 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
72 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
73 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
74 **2008, shall be invalid and void.**

75 **11. Any employee or employer who violates the provisions of this section shall be**
76 **guilty of a class D felony.**

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