

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 2489, Page 11, Section 285.545, Line
2 144, by inserting after all of said section and line the following:

3
4 "569.089. 1. This section shall be known and may be cited as the "Homeland Security Act".

5 2. The general assembly of this state finds the following:

6 (1) Millions of illegal aliens are crossing our nation's southern border each year, causing a
7 humanitarian crisis;

8 (2) This invasion of illegal aliens has caused an influx of crime, cartel activity, and human
9 and drug trafficking;

10 (3) Persons illegally crossing our nation's southern border cannot be properly vetted for
11 terrorist ties and activity;

12 (4) The border crisis is a homeland security concern and a threat to national security;

13 (5) Article IV, Section 4 of the Constitution of the United States states that the United States
14 guarantees to every state in this union a republican form of government and to protect each state
15 against invasion;

16 (6) The current federal administration has been derelict in securing the southern border and
17 addressing the crisis occurring at the southern border. This dereliction of duty on the part of the
18 federal government to protect the United States from invasion impels this state to invoke Article 1,
19 Section 10 of the Constitution of the United States that states no state shall enter into an agreement
20 or a compact with another state unless there is an invasion;

21 (7) Necessary measures shall be taken to curb this invasion and the influx of fentanyl for the
22 public safety of this state; and

23 (8) It is necessary to enter into an agreement or a compact with states along the southern
24 border of the United States to aid such states in efforts to address the invasion occurring at the
25 nation's southern border.

26 3. A person commits the offense of trespass by an illegal alien if the person:

27 (1) Is eighteen years of age or older and has committed an act that qualifies as a class C
28 misdemeanor or any higher category of offense on public or private land in this state; and

29 (2) Has not been issued an alien registration card, is not a temporary resident, is not a
30 temporary visitor, or has willfully failed to register.

Action Taken _____ Date _____

1 4. The offense of trespass by an illegal alien is a class C felony.

2 5. The provisions of this section shall not apply to a person who maintains authorization
3 from the federal government to remain in the United States. A person shall be presumed to be a
4 person who maintains authorization from the federal government to remain in the United States if
5 the person has been issued a valid Missouri government identification or has a valid government-
6 issued identification issued by another state.

7 6. The provisions of this section shall not apply to a person who allows his or her
8 authorization from the federal government to remain in the United States to lapse if such person
9 subsequently renews his or her authorization papers within one hundred eighty days from the date of
10 expiration of such authorization.

11 7. A violation of this section shall not be used to establish probable cause for any other
12 violation.

13 8. As used in this section, the following terms mean:

14 (1) "Alien registration card", the identification card given to lawful permanent residents by
15 the United States Citizenship and Immigration Services to identify them as such;

16 (2) "Illegal alien", an alien who is not lawfully present in the United States according to the
17 terms of 8 U.S.C. Section 1101 et seq.

18 579.065. 1. A person commits the offense of trafficking drugs in the first degree if, except
19 as authorized by this chapter or chapter 195, such person knowingly distributes, delivers,
20 manufactures, produces or attempts to distribute, deliver, manufacture or produce:

21 (1) More than thirty grams of a mixture or substance containing a detectable amount of
22 heroin;

23 (2) More than one hundred fifty grams of a mixture or substance containing a detectable
24 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
25 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
26 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
27 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any
28 of the foregoing substances;

29 (3) More than eight grams of a mixture or substance described in subdivision (2) of this
30 subsection which contains cocaine base;

31 (4) More than five hundred milligrams of a mixture or substance containing a detectable
32 amount of lysergic acid diethylamide (LSD);

33 (5) More than thirty grams of a mixture or substance containing a detectable amount of
34 phencyclidine (PCP);

35 (6) More than four grams of phencyclidine;

36 (7) More than thirty kilograms of a mixture or substance containing marijuana;

37 (8) More than thirty grams of any material, compound, mixture, or preparation containing
38 any quantity of the following substances having a stimulant effect on the central nervous system:

1 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts,
 2 optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate;

3 (9) More than thirty grams of any material, compound, mixture, or preparation which
 4 contains any quantity of 3,4-methylenedioxymethamphetamine;

5 (10) One gram or more of flunitrazepam for the first offense; or

6 (11) Any amount of gamma-hydroxybutyric acid for the first offense]; ~~or~~

7 ~~(12) More than ten milligrams of fentanyl or carfentanil, or any derivative thereof, or any
 8 combination thereof, or any compound, mixture, or substance containing a detectable amount of
 9 fentanyl or carfentanil, or their optical isomers or analogues].~~

10 2. The offense of trafficking drugs in the first degree is a class B felony.

11 3. The offense of trafficking drugs in the first degree is a class A felony if the quantity
 12 involved is:

13 (1) Ninety grams or more of a mixture or substance containing a detectable amount of
 14 heroin; or

15 (2) Four hundred fifty grams or more of a mixture or substance containing a detectable
 16 amount of coca leaves, except coca leaves and extracts of coca leaves from which cocaine,
 17 ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine salts and their
 18 optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers,
 19 and salts of isomers; or any compound, mixture, or preparation which contains any quantity of any
 20 of the foregoing substances; or

21 (3) Twenty-four grams or more of a mixture or substance described in subdivision (2) of this
 22 subsection which contains cocaine base; or

23 (4) One gram or more of a mixture or substance containing a detectable amount of lysergic
 24 acid diethylamide (LSD); or

25 (5) Ninety grams or more of a mixture or substance containing a detectable amount of
 26 phencyclidine (PCP); or

27 (6) Twelve grams or more of phencyclidine; or

28 (7) One hundred kilograms or more of a mixture or substance containing marijuana; or

29 (8) Ninety grams or more of any material, compound, mixture, or preparation containing
 30 any quantity of the following substances having a stimulant effect on the central nervous system:
 31 amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts,
 32 optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate; or

33 (9) More than thirty grams of any material, compound, mixture, or preparation containing
 34 any quantity of the following substances having a stimulant effect on the central nervous system:
 35 amphetamine, its salts, optical isomers, and salts of its optical isomers; methamphetamine, its salts,
 36 optical isomers, and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate, and
 37 the location of the offense was within two thousand feet of real property comprising a public or
 38 private elementary, vocational, or secondary school, college, community college, university, or any
 39 school bus, in or on the real property comprising public housing or any other governmental assisted

1 housing, or within a motor vehicle, or in any structure or building which contains rooms furnished
2 for the accommodation or lodging of guests, and kept, used, maintained, advertised, or held out to
3 the public as a place where sleeping accommodations are sought for pay or compensation to
4 transient guests or permanent guests; or

5 (10) Ninety grams or more of any material, compound, mixture or preparation which
6 contains any quantity of 3,4-methylenedioxyamphetamine; or

7 (11) More than thirty grams of any material, compound, mixture, or preparation which
8 contains any quantity of 3,4-methylenedioxyamphetamine and the location of the offense was
9 within two thousand feet of real property comprising a public or private elementary, vocational, or
10 secondary school, college, community college, university, or any school bus, in or on the real
11 property comprising public housing or any other governmental assisted housing, within a motor
12 vehicle, or in any structure or building which contains rooms furnished for the accommodation or
13 lodging of guests, and kept, used, maintained, advertised, or held out to the public as a place where
14 sleeping accommodations are sought for pay or compensation to transient guests or permanent
15 guests; or

16 (12) One gram or more of flunitrazepam for a second or subsequent offense; or

17 (13) Any amount of gamma-hydroxybutyric acid for a second or subsequent offense; or

18 (14) [~~Twenty~~] Two milligrams or more of fentanyl or carfentanil, or any derivative thereof,
19 or any combination thereof, or any compound, mixture, or substance containing a detectable amount
20 of fentanyl or carfentanil, or their optical isomers or analogues.

21 4. If a violation of subdivision (14) of subsection 3 of this section results in death, a person
22 convicted of such violation shall be imprisoned for life without eligibility for probation or parole
23 unless the court determines that the person shall be sentenced to death if the person is eighteen years
24 of age or older at the time of the offense. If the person has not reached his or her eighteenth
25 birthday at the time of the commission of the offense, the punishment shall be as provided under
26 section 565.033.": and

27
28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.