

SECOND REGULAR SESSION

HOUSE BILL NO. 2844

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUDSON.

5860H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 285.530, RSMo, and to enact in lieu thereof three new sections relating to unauthorized aliens, with penalty provisions.

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

Section A. Section 285.530, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 285.530, 566.216, and 569.089, to read as follows:

285.530. 1. No business entity or employer shall knowingly employ, hire for employment, or continue to employ an unauthorized alien to perform work within the state of Missouri.

2. As a condition for the award of any contract or grant in excess of five thousand dollars by the state or by any political subdivision of the state to a business entity, or for any business entity receiving a state-administered or subsidized tax credit, tax abatement, or loan from the state, the business entity shall, by sworn affidavit and provision of documentation, affirm its enrollment and participation in a federal work authorization program with respect to the employees working in connection with the contracted services. Every such business entity shall also sign an affidavit affirming that it does not knowingly employ any person who is an unauthorized alien in connection with the contracted services. Any entity contracting with the state or any political subdivision of the state shall only be required to provide the affidavits required in this subsection to the state and any political subdivision of the state with which it contracts, on an annual basis. During or immediately after an emergency, the requirements of this subsection that a business entity enroll and participate in a federal work authorization program shall be suspended for fifteen working days. As used in this subsection, "emergency" includes the following natural and manmade disasters: major snow

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.

18 and ice storms, floods, tornadoes, severe weather, earthquakes, hazardous material incidents,
19 nuclear power plant accidents, other radiological hazards, and major mechanical failures of a
20 public utility facility.

21 3. All public employers **and private employers in this state employing fifty or**
22 **more employees** shall enroll and actively participate in a federal work authorization program.

23 4. (1) An employer may enroll and participate in a federal work authorization
24 program and shall verify the employment eligibility of every employee in the employer's hire
25 whose employment commences after the employer enrolls in a federal work authorization
26 program. The employer shall retain a copy of the dated verification report received from the
27 federal government. Any business entity that participates in such program shall have an
28 affirmative defense that such business entity has not violated subsection 1 of this section.

29 (2) (a) **Beginning January 1, 2025, a private employer required to enroll and**
30 **actively participate in a federal work authorization program under subsection 3 of this**
31 **section shall verify the employment eligibility of every employee in the employer's hire**
32 **whose employment commences after the employer enrolls in a federal work**
33 **authorization program. The employer shall retain a copy of the dated verification**
34 **report received from the federal government. A private employer required to**
35 **participate in such program under subsection 3 of this section shall have an affirmative**
36 **defense that such employer has not violated subsection 1 of this section.**

37 (b) **If the private employer fails to comply with this subdivision and, at any point**
38 **during the investigation and enforcement procedures under section 285.235, is found to**
39 **have hired an unauthorized alien as a result of not enrolling in, participating in, or**
40 **utilizing a federal work authorization program, the attorney general shall direct the**
41 **appropriate licensing agency or applicable municipal or county governing body to**
42 **suspend, for one year, all applicable licenses, permits, or exemptions of the private**
43 **employer.**

44 5. A general contractor or subcontractor of any tier shall not be liable under sections
45 285.525 to 285.550 when such general contractor or subcontractor contracts with its direct
46 subcontractor who violates subsection 1 of this section, if the contract binding the contractor
47 and subcontractor affirmatively states that the direct subcontractor is not knowingly in
48 violation of subsection 1 of this section and shall not henceforth be in such violation and the
49 contractor or subcontractor receives a sworn affidavit under the penalty of perjury attesting to
50 the fact that the direct subcontractor's employees are lawfully present in the United States.

566.216. 1. A person commits the offense of trafficking of an illegal alien child
2 **he or she knowingly:**

3 (1) **Recruits, entices, harbors, transports, provides, or obtains by any means**
4 **including, but not limited to, through the use of force, abduction, coercion, fraud,**

5 deception, blackmail, or causing or threatening to cause financial harm, a person under
6 the age of twelve and who is an illegal alien to participate in a commercial sex act, a
7 sexual performance, or the production of explicit sexual material as defined in section
8 573.010, or benefits, financially or by receiving anything of value, from participation in
9 such activities;

10 (2) Causes a person under the age of twelve and who is an illegal alien to engage
11 in a commercial sex act, a sexual performance, or the production of explicit sexual
12 material as defined in section 573.010; or

13 (3) Advertises the availability of a person under the age of twelve and who is an
14 illegal alien to participate in a commercial sex act, a sexual performance, or the
15 production of explicit sexual material as defined in section 573.010.

16 2. It shall not be a defense that the defendant believed that the person was twelve
17 years of age or older and was not an illegal alien.

18 3. The offense of sexual trafficking of an illegal alien child is a felony for which
19 the authorized term of imprisonment is life imprisonment without eligibility for
20 probation or parole until the offender has served not less than twenty-five years of such
21 sentence. Subsection 4 of section 558.019 shall not apply to the sentence of a person who
22 has been found guilty of sexual trafficking of a child less than twelve years of age, "life
23 imprisonment" shall mean imprisonment for the duration of a person's natural life for
24 the purposes of this section.

569.089. 1. This section shall be known and may be cited as the "Border
2 Security Enhancement Act".

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

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

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

9 3. The offense of trespass by an illegal alien is a class E felony.

10 4. The provisions of this section shall not apply to a person who maintains
11 authorization from the federal government to remain in the United States. A person
12 shall be presumed to be a person who maintains authorization from the federal
13 government to remain in the United States if the person has been issued a valid Missouri
14 government identification or has a valid government-issued identification issued by
15 another state.

16 5. A violation of this section shall not be used to establish probable cause for any
17 other violation.

18 **6. As used in this section, the following terms mean:**

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

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

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