

HCS HBs 2523, 2367 & 2470 -- PUBLIC SAFETY

SPONSOR: Billington

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Homeland Security by a vote of 7 to 3. Voted "Do Pass" by the Standing Committee on Rules- Regulatory Oversight by a vote of 6 to 3.

The following is a summary of the House Committee Substitute for HB 2523.

This bill establishes the "Homeland Security Act" which specifies concerns of the General Assembly pertaining to the invasion of illegal aliens crossing the southern border of the United States.

This bill establishes the offense of trespass by an illegal alien and defines the term "illegal alien".

A person commits the offense of trespass by an illegal alien when they:

- (1) Are 18 years of age or older and have committed an act that qualifies as a class C misdemeanor or higher on public or private land in Missouri; and
- (2) Have not been issued an "alien registration card", are not a temporary resident or temporary visitor, or have willfully failed to register.

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

The provisions of this section will not apply to any person who maintains authorization from the Federal government to remain in the United States. Nor will the bill apply to any person who allows their authorization to expire if said authorization is renewed within 180 days.

A violation of this section will not be used to establish probable cause for any other offense.

This bill also changes the offense of trafficking drugs in the first degree.

Currently, the offense of trafficking drugs in the first degree is a class B felony if it involves more than 10 milligrams of fentanyl or carfentanil, or any derivative or combination thereof, or any compound, mixture, or substance containing a detectable amount of fentanyl or carfentanil, or its optical isomers or analogues, and

it is a class A felony if it involves 20 milligrams of the same. This bill amends the amount and the penalty to specify that any person convicted of trafficking drugs in the first degree involving two milligrams or more of the above will be imprisoned for life without eligibility for probation or parole, unless the court determines that the person shall be sentenced to death.

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

**PROPONENTS:** Supporters say that an unsustainable number of people are crossing the southern border of the United States. Women and children are dying on the journey. The porous border is in large part responsible for epidemics of drug use and human trafficking. Schools are being overrun by children who don't speak English. The nation is facing unsustainable debt and cannot afford to care for more people. If the Federal government will not uphold its responsibility to maintain order at the border then states must do what they can to address these problems.

Testifying in person for the bill was Representative Billington.

**OPPONENTS:** Those who oppose the bill say that measures to criminalize the presence of people in our communities violate human dignity. If someone crosses the border illegally and commits a crime in Missouri they will already be subject to the same laws as anyone else regardless of immigration status. Human trafficking and drug use are problems largely unrelated to the situation at the border. Opponents say that bills like this almost certainly violate the Supremacy Clause of the U.S. Constitution and will be struck down.

Testifying in person against the bill were Mallory Rusch, Empower Missouri; Abortion Action Missouri (Formerly Pro Choice Missouri); Missouri Catholic Conference; Gabriele Eissner; Jessica Trout, Missouri Immigration Policy Coalition ; and the American Civil Liberties Union of Missouri.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.