

SECOND REGULAR SESSION

HOUSE BILL NO. 2134

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TITUS.

5338H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapters 217 and 221, RSMo, by adding thereto two new sections relating to the Warrant Service Officer Program.

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

Section A. Chapters 217 and 221, RSMo, are amended by adding thereto two new sections, to be known as sections 217.1400 and 221.550, to read as follows:

- 217.1400. 1. For purposes of this section, "Warrant Service Officer Program" means the program of United States Immigration and Customs Enforcement authorizing state and local law enforcement officers to serve and execute administrative warrants under the Immigration and Nationality Act, 8 U.S.C. Section 1357(g).
2. The department of corrections shall:
- (1) Apply to participate in the Warrant Service Officer Program;
 - (2) Upon a successful application, enter into an agreement with United States Immigration and Customs Enforcement for participation in the Warrant Service Officer Program; and
 - (3) Renew the agreement upon the expiration of the agreement.
3. If the department applies to participate in the Warrant Service Officer Program and is denied, the department shall:
- (1) Ascertain from United States Customs and Immigration Enforcement the reason for the denial of the department's application;
 - (2) Make a good faith effort to address and remedy the reason for the denial of the application; and

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 **(3) Reapply to participate in the Warrant Service Officer Program.**

19 **4. If the department applies to participate in the Warrant Service Officer**
20 **Program and is repeatedly denied, the department may apply for a waiver from the**
21 **state.**

22 **5. The department shall promulgate rules for the process of obtaining a waiver**
23 **from the state under subsection 4 of this section. Any rule or portion of a rule, as that**
24 **term is defined in section 536.010, that is created under the authority delegated in this**
25 **section shall become effective only if it complies with and is subject to all of the**
26 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
27 **536 are nonseverable and if any of the powers vested with the general assembly**
28 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
29 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
30 **and any rule proposed or adopted after August 28, 2026, shall be invalid and void.**

221.550. 1. For purposes of this section, the following terms mean:

2 **(1) "Jail enforcement model", a model of the United States Immigration and**
3 **Customs Enforcement authorizing deputized state and local law enforcement officers to**
4 **interrogate a person for information relating to the person's immigration status and to**
5 **issue an immigration detainer under the Immigration and Nationality Act, 8 U.S.C.**
6 **Section 1357(g);**

7 **(2) "Warrant Service Officer Program", the program of United States**
8 **Immigration and Customs Enforcement authorizing state and local law enforcement**
9 **officers to serve and execute administrative warrants under the Immigration and**
10 **Nationality Act, 8 U.S.C. Section 1357(g).**

11 **2. A sheriff in charge of a jail in a county or in any city not within a county shall:**

12 **(1) Apply to participate in the Warrant Service Officer Program;**

13 **(2) Upon a successful application, enter into an agreement with United States**
14 **Immigration and Customs Enforcement for participation in the Warrant Service**
15 **Officer Program; and**

16 **(3) Renew the agreement upon the expiration of the agreement.**

17 **3. (1) A sheriff in charge of a jail in a county or in any city not within a county**
18 **may choose to participate in the jail enforcement model.**

19 **(2) If a sheriff of a county or any city not within a county who is in charge of a**
20 **jail participates in the jail enforcement model, the sheriff is exempt from the**
21 **requirements under this section to participate in the Warrant Service Officer Program.**

22 **4. If a sheriff of a county or any city not within a county who is in charge of a jail**
23 **applies to participate in the Warrant Service Officer Program and is denied, he or she**
24 **shall:**

25 (1) Ascertain from United States Customs and Immigration Enforcement the
26 reason for the denial of the application;

27 (2) Make a good faith effort to address and remedy the reason for the denial of
28 the application; and

29 (3) Apply again to participate in the Warrant Service Officer Program.

30 5. If a sheriff of a county or any city not within a county who is in charge of a jail
31 applies to participate in the Warrant Service Officer Program and is repeatedly denied,
32 he or she may apply for a waiver from the state.

33 6. The department of corrections shall promulgate rules for the process of
34 obtaining a waiver under subsection 5 of this section. Any rule or portion of a rule, as
35 that term is defined in section 536.010, that is created under the authority delegated in
36 this section shall become effective only if it complies with and is subject to all of the
37 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
38 536 are nonseverable and if any of the powers vested with the general assembly
39 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul
40 a rule are subsequently held unconstitutional, then the grant of rulemaking authority
41 and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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