

SECOND REGULAR SESSION

HOUSE BILL NO. 2326

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUCAS.

5498H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 67.307, RSMo, and to enact in lieu thereof one new section relating to cooperative municipal policies.

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

Section A. Section 67.307, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.307, to read as follows:

67.307. 1. As used in this section, the following terms mean:

(1) "Law enforcement officer", a sheriff or peace officer of a municipality with the ~~[duty and power of arrest for violation of]~~ **authority to enforce** the general criminal laws of the state or ~~[for violation of]~~ ordinances of municipalities;

(2) "Municipality", any county, city, town, or village;

(3) "Municipality official", any elected or appointed official or any law enforcement officer serving the municipality;

(4) "Sanctuary policy", any municipality's **policy, as reflected in an** order or ordinance, ~~[enacted or followed]~~ that:

(a) ~~[Limits]~~ **Restricts** or prohibits any municipality official or person employed by the municipality from ~~[communicating or]~~ **voluntarily** cooperating with federal agencies or officials ~~[to verify or report the]~~ **regarding** immigration status ~~[of any alien within such municipality];~~ or

(b) Grants ~~[to illegal aliens the right to lawful presence or status within the municipality]~~ **undocumented immigrants certain legal statuses or rights** in direct violation of federal law.

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.

17 2. ~~[No municipality shall enact or adopt any sanctuary policy. Any municipality that~~
18 ~~enacts or adopts a sanctuary policy shall be ineligible for any moneys provided through grants~~
19 ~~administered by any state agency or department until the sanctuary policy is repealed or is no~~
20 ~~longer in effect. Upon the complaint of any state resident regarding a specific government~~
21 ~~entity, agency, or political subdivision of this state or prior to the provision of funds or~~
22 ~~awarding of any grants to a government entity, agency, or political subdivision of this state,~~
23 ~~any member of the general assembly may request that the attorney general of the state of~~
24 ~~Missouri issue an opinion stating whether the government entity, agency, or political~~
25 ~~subdivision has current policies in contravention of this section]~~ (1) **Municipalities shall**
26 **adopt policies that promote voluntary cooperation with federal and state immigration**
27 **authorities, consistent with federal law and public safety objectives.**

28 (2) **Municipal officials and law enforcement officers shall receive written**
29 **guidance on state and federal immigration enforcement responsibilities.**

30 3. ~~[The governing body, sheriff, or chief of police of each municipality shall provide~~
31 ~~each law enforcement officer with written notice of their duty to cooperate with state and~~
32 ~~federal agencies and officials on matters pertaining to enforcement of state and federal laws~~
33 ~~governing immigration]~~ (1) **Municipalities that adopt or maintain policies consistent with**
34 **federal law may be eligible for voluntary state funding, technical assistance, or training**
35 **programs to enhance public safety.**

36 (2) **If a municipality is believed to have a policy inconsistent with this section, the**
37 **state may provide written notice and a reasonable period to address concerns before any**
38 **funding restrictions are applied.**

39 (3) **Municipalities shall have the right to appeal or provide documentation**
40 **demonstrating compliance or public safety considerations before any funding**
41 **adjustments are made.**

42 4. (1) This section shall ~~[become effective on January 1, 2009]~~ **be construed to**
43 **promote public safety and cooperation between local law enforcement and federal**
44 **authorities.**

45 (2) **Municipalities retain discretion to adopt policies that protect victims of**
46 **crime, encourage reporting of criminal activity, and maintain community trust,**
47 **provided such policies do not violate federal law.**

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