

SECOND REGULAR SESSION

HOUSE BILL NO. 3542

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE JOHNSON.

6971H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 1, RSMo, by adding thereto five new sections relating to federal Immigration and Customs Enforcement operations, with penalty provisions.

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

Section A. Chapter 1, RSMo, is amended by adding thereto five new sections, to be known as sections 1.3080, 1.3082, 1.3084, 1.3086, and 1.3088, to read as follows:

1.3080. 1. The provisions of sections 1.3080 to 1.3088 shall be known and may be referred to as the "Community Safety and Law Enforcement Integrity Act".

2. For purposes of sections 1.3080 to 1.3088, the following terms mean:

(1) "Immigration enforcement agreement", a contract, agreement, intergovernmental service agreement, or memorandum of understanding with the federal government that authorizes the state, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the state or a unit of local government to enforce civil immigration law. Such term includes an agreement made in accordance with 8 U.S.C. Section 1103, 8 U.S.C. Section 1357, or any other federal law;

(2) "Public funds", any funds received or controlled by the state or any agency or political subdivision thereof including, but not limited to, funds derived from federal, state, or local taxes, gifts or grants from any source, public or private, federal grants or payments, or intergovernmental transfers.

3. The state, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the state or a local government shall not utilize public funds, personnel, or facilities to assist in the investigation, detention, or arrest of individuals for violation of any federal civil immigration 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.

1.3082. 1. The state, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the state or a unit of local government shall not enter into, renew, or otherwise agree to be a party to an immigration enforcement agreement.

2. The state, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the state or a unit of local government with an existing immigration enforcement agreement shall exercise the termination provision contained in the immigration enforcement agreement immediately.

3. Any entity that violates the provisions of this section shall be liable for a civil penalty of twenty-five thousand dollars per violation, which shall be paid into the state treasury to the credit of the public school fund.

4. Any person harmed by an entity's violation of this section may pursue a civil action against such entity to seek injunctive relief or recover damages.

1.3084. 1. Notwithstanding any other provision of law, any federal law enforcement agent performing Immigration and Customs Enforcement (ICE) operations in this state shall visibly display identification that includes the agent's affiliation with ICE and the agent's name or badge number, or both, while performing official duties. Such agents shall not wear facial coverings that conceal or obscure their facial identity in the performance of official duties, except as expressly authorized in this section.

2. For purposes of this section, "facial covering" means any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual including, but not limited to, a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item. A facial covering does not include any of the following:

(1) A translucent face shield or clear mask that does not conceal or obscure the wearer's facial identity;

(2) An N95 medical mask or surgical mask worn to protect against transmission of disease or infection, or any other mask, helmet, or device including, but not limited to, air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition;

(3) A mask, helmet, or device including, but not limited to, a self-contained breathing apparatus, necessary for underwater use;

(4) A motorcycle helmet when worn by an agent utilizing a motorcycle or other vehicle that requires a helmet for safe operation while in the performance of their duties; or

25 **(5) Eyewear necessary to protect from the use of retinal weapons including, but**
26 **not limited to, lasers.**

27 **3. This section shall not apply to:**

28 **(1) Agents performing their duties as undercover operatives during an active**
29 **undercover operation or as needed to protect their identity following the conclusion of**
30 **an undercover operation; or**

31 **(2) Agents assigned to a Special Response Team (SRT) while actively performing**
32 **their SRT responsibilities.**

33 **4. A willful and knowing violation of this section is punishable as a class A**
34 **misdemeanor.**

1.3086. Any federal law enforcement agent performing Immigration and
2 **Customs Enforcement (ICE) operations in this state shall be required to present a valid**
3 **judicial warrant signed by a judge prior to entering a private residence or nonpublic**
4 **area of a business. Any agent who violates the provisions of this section shall be subject**
5 **to the state trespass laws under chapter 569.**

1.3088. 1. Unless presented with a valid judicial warrant signed by a judge, no
2 **jail administrator or employee of a jail shall disclose to any federal agent performing**
3 **Immigration and Customs Enforcement (ICE) operations in this state any information**
4 **relating to an offender's release date.**

5 **2. Any person who reveals information in violation of subsection 1 of this section**
6 **shall be subject to disciplinary action, including a thirty-day suspension in pay, and shall**
7 **be subject to a five-thousand-dollar fine, which shall be paid into the state treasury to**
8 **the credit of the public school fund.**

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