

SECOND REGULAR SESSION

HOUSE BILL NO. 3301

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DOLL.

7050H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To amend chapter 650, RSMo, by adding thereto five new sections relating to immigration enforcement.

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

Section A. Chapter 650, RSMo, is amended by adding thereto five new sections, to be known as sections 650.3000, 650.3004, 650.3006, 650.3008, and 650.3010, to read as follows:

650.3000. 1. The provisions of sections 650.3000 to 650.3010 shall be known and may be cited as the "Missouri Values Act".

2. For purposes of sections 650.3000 to 650.3010, the following terms mean:

(1) "Civil immigration warrant", any warrant for a violation of federal civil immigration law including civil immigration warrants entered in the National Crime Information Center database;

(2) "Dangerous felony", as such term is defined under section 556.061 including any offense committed in another state that, if committed in Missouri, would be punishable as a dangerous felony under such definition;

(3) "Department", the department of public safety;

(4) "Director", the director of the department of public safety;

(5) "Eligible for release from custody", may be established when one of the following conditions has occurred:

(a) All criminal charges against the individual have been dropped or dismissed;

(b) The person has been acquitted of all criminal charges filed against him or her;

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 (c) The person has served all the time required for his or her sentence;
- 18 (d) The person has posted a bond; and
- 19 (e) The person is otherwise eligible for release under state or local law, or local
20 policy;
- 21 (6) "Health care facility", as such term is defined in section 197.366;
- 22 (7) "Hold request", "notification request", and "transfer request", include
23 requests issued by the United States Immigration and Customs Enforcement or the
24 United States Customs and Border Protection as well as any other immigration
25 authorities;
- 26 (8) "Immigration authority", any federal, state, or local officer, employee, or
27 person performing immigration enforcement duties;
- 28 (9) "Immigration enforcement", any and all efforts to investigate, enforce, or
29 assist in the investigation or enforcement of any federal civil immigration law, and also
30 includes any and all efforts to investigate, enforce, or assist in the investigation or
31 enforcement of any federal criminal immigration law that penalizes a person's presence
32 in, entry, or reentry to, or employment in, the United States;
- 33 (10) "Joint law enforcement task force", at least one Missouri law enforcement
34 agency collaborating, engaging, or partnering with at least one federal law enforcement
35 agency in investigating federal or state crimes;
- 36 (11) "Judicial probable cause determination", a determination made by a
37 federal judge or federal magistrate that probable cause exists that a person has violated
38 federal criminal immigration law and that authorizes a law enforcement officer to arrest
39 and take into custody the person;
- 40 (12) "Judicial warrant", a warrant based on probable cause for a violation of
41 federal criminal immigration law and issued by a federal judge or federal magistrate
42 judge that authorizes a law enforcement officer to arrest and take into custody the
43 person who is the subject of the warrant;
- 44 (13) "Law enforcement official", any local agency or officer of a local agency
45 authorized to enforce criminal statutes, regulations, or local ordinances or to operate
46 jails or to maintain custody of persons in jails, and any person or local agency
47 authorized to operate juvenile detention facilities or to maintain custody of persons in
48 juvenile detention facilities;
- 49 (14) "Local agency", any city, county, city and county, special district, or other
50 political subdivision of the state;
- 51 (15) "Missouri law enforcement agency", a state or local law enforcement
52 agency, including school police or security departments. Such term shall not include the
53 department of corrections;

54 (16) "Public schools", public elementary and secondary schools and public
55 institutions of higher education in the state;

56 (17) "School police and security departments", includes police and security
57 departments of public institutions of higher education in the state, charter schools,
58 county offices of education, schools, and school districts.

650.3004. 1. Missouri law enforcement agencies shall not:

2 (1) Use agency or department moneys or personnel to investigate, interrogate,
3 detain, detect, or arrest persons for immigration purpose including, but not limited to,
4 any of the following:

5 (a) Inquiring into a person's immigration status;

6 (b) Detaining a person on the basis of a hold request;

7 (c) Providing information regarding a person's release date or responding to
8 requests for notification by providing release dates or other information unless that
9 information is available to the public or is in response to a notification request from
10 immigration authorities in accordance with section 650.3010. Responses are never
11 required, but are permitted under this paragraph, provided that they do not violate any
12 local law or policy;

13 (d) Providing personal information about a person including, but not limited to,
14 the person's home address or work address unless that information is available to the
15 public;

16 (e) Making or intentionally participating in arrests based on civil immigration
17 warrants;

18 (f) Assisting immigration authorities in the activities described in Section 1357
19 (a)(3) of Title 8 of the United States Code; or

20 (g) Performing the functions of an immigration officer, whether under Section
21 1357(g) of Title 8 of the United States Code or any other law, regulation, or policy,
22 whether formal or informal;

23 (2) Place peace officers under the supervision of federal agencies or employ
24 peace officers deputized as special federal officers or special federal deputies for
25 purposes of immigration enforcement. All peace officers remain subject to Missouri law
26 governing conduct of peace officers and the policies of the employing agency;

27 (3) Use immigration authorities as interpreters for law enforcement matters
28 relating to persons in agency or department custody;

29 (4) Transfer a person to immigration authorities unless authorized by a judicial
30 warrant or judicial probable cause determination, or in accordance with section
31 650.3010;

32 **(5) Provide office space exclusively dedicated for immigration authorities for use**
33 **within a city or county law enforcement facility; or**

34 **(6) Contract with the federal government for use of Missouri law enforcement**
35 **agency facilities to house persons as federal detainees.**

36 **2. Notwithstanding the provisions of subsection 1 of this section, this section does**
37 **not prevent any Missouri law enforcement agency from doing any of the following that**
38 **does not violate any policy of the law enforcement agency or any local law or policy of**
39 **the jurisdiction in which the agency is operating:**

40 **(1) Investigating, enforcing, or detaining upon reasonable suspicion of, or**
41 **arresting for a violation of, Section 1326(a) of Title 8 of the United States Code that may**
42 **be subject to the enhancement specified in Section 1326(b)(2) of Title 8 of the United**
43 **States Code and that is detected during an unrelated law enforcement activity.**
44 **Transfers to immigration authorities are permitted under this section only in**
45 **accordance with subdivision (4) of subsection 1 of this section;**

46 **(2) Responding to a request from immigration authorities for information about**
47 **a specific person's criminal history including, but not limited to, previous criminal**
48 **arrests, convictions, or similar criminal history information accessed through the**
49 **Missouri uniform law enforcement system (MULES), where otherwise permitted by**
50 **state law; or**

51 **(3) Conducting enforcement or investigative duties associated with a joint law**
52 **enforcement task force including, but not limited to, the sharing of confidential**
53 **information with other law enforcement agencies for purposes of task force**
54 **investigations, so long as the following conditions are met:**

55 **(a) The primary purpose of the joint law enforcement task force is not**
56 **immigration enforcement, as defined in section 650.3000;**

57 **(b) The enforcement or investigative duties are primarily related to a violation of**
58 **state or federal law unrelated to immigration enforcement;**

59 **(c) Participation in the task force by a Missouri law enforcement agency does not**
60 **violate any local law or policy to which it is otherwise subject;**

61 **(d) Making inquiries into information necessary to certify a person who has been**
62 **identified as a potential crime or trafficking victim for a T or U Visa under Section 1101**
63 **(a)(15)(T) or 1101(a)(15)(U) of Title 8 of the United States Code or to comply with**
64 **Section 922(d)(5) of Title 18 of the United States Code; and**

65 **(e) Giving immigration authorities access to interview a person in agency or**
66 **department custody.**

67 **3. (1) If a Missouri law enforcement agency chooses to participate in a joint law**
68 **enforcement task force, for which a Missouri law enforcement agency has agreed to**

69 **dedicate personnel or resources on an ongoing basis, it shall submit a report annually to**
70 **the department of public safety, as specified by the director of the department of public**
71 **safety. The law enforcement agency shall report the following information, if known,**
72 **for each task force of which it is a member:**

73 **(a) The purpose of the task force;**

74 **(b) The federal, state, and local law enforcement agencies involved;**

75 **(c) The total number of arrests made during the reporting period; and**

76 **(d) The number of people arrested for immigration enforcement purposes.**

77 **(2) All law enforcement agencies shall report annually to the department of**
78 **public safety, in a manner specified by the director of the department of public safety,**
79 **the number of transfers under subdivision (4) of subsection 1 of this section, and the**
80 **offense that allowed for the transfer.**

81 **(3) All records described in this subsection shall be public records for purposes**
82 **of chapter 610 and personal identifying information may be redacted prior to public**
83 **disclosure. To the extent that disclosure of a particular item of information would**
84 **endanger the safety of a person involved in an investigation, or would endanger the**
85 **successful completion of the investigation or a related investigation, that information**
86 **shall not be disclosed.**

87 **(4) If more than one Missouri law enforcement agency is participating in a joint**
88 **task force that meets the reporting requirement under this section, the joint task force**
89 **shall designate a local or state agency responsible for completing the reporting**
90 **requirement.**

91 **4. The director, by March 1, 2028, and annually thereafter, shall report on the**
92 **total number of arrests made by joint law enforcement task forces, and the total number**
93 **of arrests made for the purpose of immigration enforcement by all task force**
94 **participants, including federal law enforcement agencies. To the extent that disclosure**
95 **of a particular item of information would endanger the safety of a person involved in an**
96 **investigation, or would endanger the successful completion of the investigation or a**
97 **related investigation, that information shall not be included in the director's report. The**
98 **director shall post the reports required by this subsection on the department's website.**

99 **5. This section does not prohibit or restrict any government entity or official**
100 **from sending to, or receiving from, federal immigration authorities, information**
101 **regarding the citizenship or immigration status, lawful or unlawful, of a person, or from**
102 **requesting from federal immigration authorities immigration status information, lawful**
103 **or unlawful, of any person, or maintaining or exchanging that information with any**
104 **other federal, state, or local government entity, under Sections 1373 and 1644 of Title 8**
105 **of the United States Code.**

106 **6. Nothing in this section shall prohibit a Missouri law enforcement agency from**
107 **asserting its own jurisdiction over criminal law enforcement matters.**

650.3006. 1. The director of the department of public safety, by October 1, 2027,
2 **in consultation with the appropriate stakeholders, shall publish model policies limiting**
3 **assistance with immigration enforcement to the fullest extent practicable consistent with**
4 **federal and state law at public schools, public libraries, health facilities operated by the**
5 **state or a political subdivision of the state, courthouses, division of labor standards**
6 **enforcement facilities, the division of workers compensation, and shelters, and ensuring**
7 **that they remain safe and accessible to all Missouri residents, regardless of immigration**
8 **status. All public schools, health facilities operated by the state or a political subdivision**
9 **of the state, and courthouses shall implement the model policy or an equivalent policy.**
10 **The division of workers compensation, the division of labor standards enforcement,**
11 **shelters, libraries, and all other organizations and entities that provide services related**
12 **to physical or mental health and wellness, education, or access to justice, including the**
13 **University of Missouri, are encouraged to adopt the model policy.**

14 **2. For any databases operated by state and local law enforcement agencies,**
15 **including databases maintained for the agency by private vendors, the director shall, by**
16 **October 1, 2027, in consultation with appropriate stakeholders, publish guidance, audit**
17 **criteria, and training recommendations aimed at ensuring that those databases are**
18 **governed in a manner that limits the availability of information therein to the fullest**
19 **extent practicable and consistent with federal and state law, to anyone or any entity for**
20 **the purpose of immigration enforcement. All state and local law enforcement agencies**
21 **are encouraged to adopt necessary changes to database governance policies consistent**
22 **with that guidance.**

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

650.3008. 1. The department of corrections shall:

2 **(1) In advance of any interview between the United States Immigration and**
3 **Customs Enforcement (ICE) and a person in department custody regarding civil**
4 **immigration violations, provide the person with a written consent form that explains the**

5 purpose of the interview, that the interview is voluntary, and that he or she may decline
6 to be interviewed or may choose to be interviewed only with his or her attorney present.
7 The written consent form shall be available in English and Spanish; and

8 (2) Upon receiving any ICE hold, notification, or transfer request, provide a
9 copy of the request to the person and inform him or her whether the department intends
10 to comply with the request.

11 2. The department of corrections shall not:

12 (1) Restrict access to any in-prison educational or rehabilitative programming,
13 or credit-earning opportunity on the sole basis of citizenship or immigration status
14 including, but not limited to, whether the person is in removal proceedings, or whether
15 immigration authorities have issued a hold request, transfer request, notification
16 request, or civil immigration warrant against the person; or

17 (2) Consider citizenship and immigration status as a factor in determining a
18 person's custodial classification level including, but not limited to, whether the person is
19 in removal proceedings, or whether immigration authorities have issued a hold request,
20 transfer request, notification request, or civil immigration warrant against the person.

650.3010. A law enforcement official shall have discretion to cooperate with
2 immigration authorities only if doing so would not violate any federal, state, or local law,
3 or local policy, and where permitted under sections 650.3000 to 650.3010. The activities
4 described under paragraph (c) of subdivision (1) of subsection 1 and subdivision (4) of
5 subsection 1 of section 650.3004 shall occur only under the following circumstances:

6 (1) The person has been convicted of a serious or dangerous felony, as such
7 terms are defined under section 650.3000;

8 (2) The person has been convicted of a felony punishable by imprisonment in the
9 department of corrections;

10 (3) The person has been convicted within the past five years of a misdemeanor
11 for a crime that is punishable as either a misdemeanor or a felony for, or has been
12 convicted within the last fifteen years of a felony for, any of the following offenses:

13 (a) Assault;

14 (b) Battery;

15 (c) Harassment;

16 (d) Sexual abuse, sexual exploitation, or crimes endangering children;

17 (e) Child abuse or endangerment;

18 (f) Burglary, robbery, theft, fraud, forgery, or embezzlement;

19 (g) Driving under the influence of alcohol or drugs, but only for a conviction that
20 is a felony;

21 (h) Obstruction of justice;

- 22 **(i) Bribery;**
23 **(j) Escape from custody;**
24 **(k) Unlawful possession or use of a weapon, firearm, explosive device, or weapon**
25 **of mass destruction;**
26 **(l) An offense involving the felony possession, sale, distribution, manufacture, or**
27 **trafficking of controlled substances;**
28 **(m) Institutional vandalism;**
29 **(n) Gang-related offenses;**
30 **(o) An attempt or a conspiracy to commit an offense specified in this subdivision;**
31 **(p) A crime resulting in death, or serious physical injury;**
32 **(q) Possession or use of a firearm in the commission of an offense;**
33 **(r) An offense that would require the individual to register as a sex offender**
34 **under sections 589.400 to 589.425;**
35 **(s) False imprisonment, slavery, and human trafficking;**
36 **(t) Money laundering;**
37 **(u) Elder abuse;**
38 **(v) A hate crime;**
39 **(w) Stalking;**
40 **(x) Soliciting the commission of a crime;**
41 **(y) An offense committed while on bail or released on his or her own**
42 **recognizance;**
43 **(z) Rape, sodomy, or deviate sexual intercourse;**
44 **(aa) Kidnapping; or**
45 **(bb) Involuntary manslaughter while operating a motor vehicle;**
46 **(4) The person is a current registrant on the Missouri sex offender registry**
47 **under sections 589.400 to 589.425; or**
48 **(5) The person has been convicted of a federal crime that meets the definition of**
49 **an aggravated felony as set forth in subparagraphs (A) to (P), inclusive of paragraph**
50 **(43) of subsection (a) of Section 101 of the federal Immigration and Nationality Act (8**
51 **U.S.C. Sec. 1101), or is identified by the United States Department of Homeland**
52 **Security's Immigration and Customs Enforcement as the subject of an outstanding**
53 **federal felony arrest warrant.**

✓