

SECOND REGULAR SESSION

HOUSE BILL NO. 1908

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BRATTIN.

5368H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 67.307, RSMo, and to enact in lieu thereof one new section relating to sanctuary policies for municipalities.

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Section A. Section 67.307, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.307, to read as follows: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 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 order ~~[or]~~, ordinance, **or law enforcement policy, regardless of whether formally enacted or ~~[followed]~~ informally adopted**, that:

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

(b) Grants to illegal aliens the right to lawful presence or status within the municipality in violation of federal law;

(c) **Violates 8 U.S.C. Section 1373 in any way;**

(d) **Restricts in any way, or imposes any conditions upon, the municipality's cooperation or compliance with detainers or other requests from United States**

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 **Immigration and Customs Enforcement to maintain custody of any alien or to transfer any**
19 **alien to the custody of United States Immigration and Customs Enforcement;**

20 **(e) Requires United States Immigration and Customs Enforcement to obtain a**
21 **warrant or demonstrate probable cause before complying with detainers or other requests**
22 **from United States Immigration and Customs Enforcement to maintain custody of any**
23 **alien or to transfer any alien to the custody of United States Immigration and Customs**
24 **Enforcement; or**

25 **(f) Prevents the municipality's law enforcement officers from asking any individual**
26 **his or her citizenship or immigration status.**

27 2. No ~~municipality~~ **political subdivision of this state** shall enact or adopt any
28 sanctuary policy. Any ~~municipality~~ **political subdivision of this state** that enacts or adopts
29 a sanctuary policy shall be ineligible for any moneys provided through grants administered by
30 any state agency or department until the sanctuary policy is repealed or is no longer in effect.
31 Upon the complaint of any state resident regarding a specific government entity, agency, or
32 political subdivision of this state or prior to the provision of funds or awarding of any grants to
33 a government entity, agency, or political subdivision of this state, any member of the general
34 assembly may request that the attorney general of the state of Missouri issue an opinion stating
35 whether the government entity, agency, or political subdivision has current policies in
36 contravention of this section.

37 3. The governing body, sheriff, or chief of police of each municipality shall provide each
38 law enforcement officer with written notice of their duty to cooperate with state and federal
39 agencies and officials on matters pertaining to enforcement of state and federal laws governing
40 immigration.

41 4. This section shall become effective on January 1, 2009.

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