

FIRST REGULAR SESSION

HOUSE BILL NO. 559

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES GUEST (Sponsor) AND BIVINS (Co-sponsor).

1071L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 577, RSMo, by adding thereto six new sections relating to the Missouri immigration act, with penalty provisions.

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

Section A. Chapter 577, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 577.850, 577.852, 577.854, 577.856, 577.858, and 577.860, to read as
3 follows:

**577.850. Sections 577.850 to 577.860 shall be known as the "Protecting Missouri
2 Citizens' Rights Act".**

**577.852. 1. A person commits the crime of being a noncitizen illegally present in
2 the state of Missouri if such person is present within the state and is a noncitizen who is not
3 legally present in the United States.**

4 2. Being a noncitizen illegally present in the state of Missouri is a class D felony.

**577.854. The attorney general is authorized and directed to enter into a cooperative
2 agreement with any other state necessary to secure authorization for the state of Missouri
3 to transport any person who is found within the borders of this state and who is not legally
4 present in the United States through such state for the purpose of delivering such person
5 to the Department of Homeland Security at a federal border. In such agreement the
6 attorney general is authorized and directed to grant authorization for the other state to
7 transport persons found within their state and not legally present in the United States
8 through the state of Missouri for the purpose of being delivered by that state to the
9 Department of Homeland Security at a federal border.**

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.

2 **577.856. Every multijurisdictional enforcement group or MEG as those terms are**
3 **defined in section 195.503, RSMo, shall be authorized to train volunteers to safely**
4 **transport persons who are found within Missouri and who are not legally present in the**
5 **United States to a federal border for the purpose of delivering such persons to the**
6 **Department of Homeland Security.**

2 **577.858. 1. Beginning July 1, 2010, no person or business entity in this state shall**
3 **hire a noncitizen employee without first requiring that employee to present a valid photo**
4 **identification card from the department of labor and industrial relations.**

4 **2. Beginning January 1, 2010, the department of labor and industrial relations shall**
5 **accept applications for a photo identification card from any noncitizen employee in this**
6 **state who applies for such photo identification card for the purpose of seeking employment.**

7 **3. The department of labor and industrial relations shall verify through the**
8 **Department of Homeland Security or other agency designated by the Department of**
9 **Homeland Security whether the applicant is legally present in the United States. If the**
10 **applicant is not legally present in the United States the applicant shall be denied a photo**
11 **identification card. If the applicant is legally present in the United States the department**
12 **of labor and industrial relations shall issue such applicant a photo identification card**
13 **which the applicant can then use to seek employment in this state.**

14 **4. The photo identification card shall contain a current photograph of the applicant**
15 **and sufficient other identifying information to allow employers to readily match the**
16 **cardholder with the card itself.**

17 **5. The department of labor and industrial relations shall develop a list of the types**
18 **of documents that it will accept from applicants as proof of their legal status in this country**
19 **and shall make such list readily available to the applicants and the general public.**

20 **6. The department of labor and industrial relations shall establish and maintain a**
21 **web page on the Internet which shall be open to all employers in the state and shall include**
22 **a photo identification card search capability which shall make it possible for any employer**
23 **in this state to search by name for the person presenting a department of labor and**
24 **industrial relations photo identification card to them for the purposes of employment so**
25 **that the employer may compare the photograph on the web page with the photograph on**
26 **the photo identification card. The web page shall contain the names and photographs of**
27 **every person who has been issued a photo identification card.**

28 **7. Any person or business entity who violates the provisions of this section shall be**
29 **guilty of a class D felony.**

30 **8. The department of labor and industrial relations shall have the authority to**
31 **adopt any rules and regulations necessary or desirable to carry out the provisions of this**

32 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
33 that is created under the authority delegated in this section shall become effective only if
34 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if
35 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
36 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,
37 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
38 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
39 adopted after August 28, 2009, shall be invalid and void.

577.860. 1. Beginning January 1, 2010, and prior to July 1, 2010, any person who
2 is employed in this state and who is an immigrant to the United States, whether legal or
3 illegal, shall apply to the department of labor and industrial relations for a photo
4 identification card.

5 2. There is hereby created in the state of Missouri an immigrant "Guest Worker
6 Program". Beginning January 1, 2010, the department of labor and industrial relations
7 shall accept applications for a photo identification card from any person who is employed
8 in this state who is an immigrant to the United States, whether legal or not, who applies for
9 such photo identification card for the purpose of maintaining employment. Immigrant
10 employees who are not legally present will have to obtain employer sponsorship to remain
11 employed otherwise such employees will be deported.

12 3. The department of labor and industrial relations shall verify through the
13 Department of Homeland Security or other agency designated by the Department of
14 Homeland Security whether the applicant is legally present in the United States and
15 whether such applicant has any criminal convictions. If the applicant has any criminal
16 convictions the applicant shall be denied a photo identification card and the department
17 of labor and industrial relations shall notify the employer, in writing, by registered mail,
18 of such denial. The employer shall, within three calendar days of receiving such notice,
19 either terminate that employee for failure to obtain a valid photo identification card or
20 apply for sponsorship through Missouri's guest worker program and show a hardship
21 status. If hardship status is obtained an employer may keep such employee for up to but
22 not exceeding a maximum of five years. The department of labor and industrial relations
23 will act as an intermediary between the employer and the Department of Homeland
24 Security and Immigration and Customs Enforcement (ICE) to secure the proper
25 documentation for such employee to remain in the United States. Any noncitizen employee
26 who has a criminal history other than a violation relating to his or her immigration status
27 shall not be eligible for sponsorship through Missouri's guest worker program and shall
28 not be allowed to remain. If the applicant does not have any criminal convictions the

29 department of labor and industrial relations shall issue such applicant a photo
30 identification card whether or not the applicant is legally present in the United States to
31 show the applicant's status and the applicant shall present such photo identification card
32 to the employer within five calendar days of receiving such card.

33 4. If by July 1, 2010, an employer has any immigrant employees who have not
34 presented a valid photo identification card to them it shall be the responsibility of that
35 employer to check with the department of labor and industrial relations, within five
36 calendar days, to inquire whether such employees have made application for a photo
37 identification card. If any such employee has not made application for a photo
38 identification card as required by the provisions of this section the employer shall within
39 three calendar days terminate the employment of such employee.

40 5. The department of labor and industrial relations may charge the employer a fee
41 for processing any application for a photo identification card requested as a result of the
42 provisions of this section from any employee of that employer, in an amount to be
43 determined by the director of the department of labor and industrial relations, but not to
44 exceed the cost of processing and issuing the photo identification card and notifying the
45 employer of any denial. No person who applies for a photo identification card under the
46 provisions of this section shall be charged a fee.

47 6. The photo identification card shall contain a current photograph of the applicant
48 and sufficient other identifying information to allow employers to readily match the
49 cardholder with the card itself and shall contain a designation of "legally present" if such
50 person is determined to be legally present in the United States or a designation of "not
51 legally present" if such person is determined not to be legally present in the United States.

52 7. The department of labor and industrial relations shall develop a list of the types
53 of documents that it will accept from applicants as proof of their legal status in this country
54 and shall make such list readily available to the applicants and the general public.

55 8. Beginning January 1, 2010, every employer in this state who has any employee
56 who is an immigrant to the United States, whether legal or not, shall post a notice in an
57 area accessible to all employees which shall state the following: "Any person who is
58 employed here who is an immigrant to the United States, whether legal or not, shall prior
59 to July 1, 2010, apply for a photo identification card from the department of labor and
60 industrial relations in order to verify their status. Every person who is employed here who
61 is issued a photo identification card from the department of labor and industrial relations
62 shall present such photo identification card to his or her supervisor within five calendar
63 days of receiving such card. There will be no cost to the employee for applying for and
64 receiving such photo identification card. Failure to apply for, receive, or present such card

65 to your supervisor within the required time period will result in termination of your
66 employment."

67 **9. No employer who terminates an employee under the provisions of this section**
68 **shall be liable criminally or civilly in any manner for such termination.**

69 **10. The department of labor and industrial relations shall have the authority to**
70 **adopt any rules and regulations necessary or desirable to carry out the provisions of this**
71 **section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
72 **that is created under the authority delegated in this section shall become effective only if**
73 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
74 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
75 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
76 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
77 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
78 **adopted after August 28, 2009, shall be invalid and void.**

79 **11. Any employee or employer who violates the provisions of this section shall be**
80 **guilty of a class D felony.**

✓