

HCS HB 1549, 1771, 1395 & 2366 -- ILLEGAL ALIENS AND IMMIGRATION STATUS VERIFICATION

SPONSOR: Nolte (Onder)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on Immigration by a vote of 8 to 2.

This substitute changes the laws regarding illegal aliens and immigration status verification. In its main provisions, the substitute:

(1) Requires the Superintendent of the State Highway Patrol, subject to appropriations, to designate some or all members of the patrol to be trained in accordance with a memorandum of understanding between Missouri and the United States Department of Homeland Security concerning the enforcement of federal immigration laws during the course of their normal duties in Missouri;

(2) Prohibits a county, city, town, or village, effective January 1, 2009, from enacting a sanctuary policy and specifies that any municipality that enacts a sanctuary policy will be ineligible for money provided through grants administered by any state agency or department until the policy is repealed or is no longer in effect. Members of the General Assembly are authorized to request the state agency or department administering grants to verify that a municipality receiving grant money does not have a sanctuary policy. County and municipal law enforcement officers must be notified in writing of their duty to cooperate with state and federal agents and officials regarding matters of immigration;

(3) Requires the commercial driver's license written test to only be given in English. Translators will not be allowed for applicants taking the test;

(4) Requires the arresting agency to verify within 48 hours through the United States Department of Homeland Security the lawful immigration status of a person charged with a crime and held in confinement if verification cannot be made from documents in the possession of the prisoner or after a reasonable effort by the arresting agency. Upon verification that the prisoner is an illegal alien, the arresting agency must notify the federal department; and

(5) Creates penalties for driver's license fraud. Any person who knowingly or in reckless disregard of the truth is prohibited from:

(a) Assisting any person in committing fraud or deception during a driver's license, nondriver's license, or instruction permit examination process;

(b) Assisting any person in applying for a driver's license, instruction permit, or nondriver's license that contains or is substantiated with false or fraudulent information or documentation, conceals a material fact, or is fraudulent; or

(c) Engaging in a conspiracy to commit any of the preceding acts or aids or abets the commission of any of the acts.

Any person who violates one of the driver's license fraud provisions will be guilty of a class A misdemeanor.

FISCAL NOTE: Not available at time of printing.

PROPOSERS: Supporters of House Bill 1549 say that the bill is essentially putting the Governor's executive order into statute, which the State Highway Patrol believes is necessary even though the patrol has been following this procedure since late August of 2007.

Supporters of House Bill 1771 say that this is common sense legislation and that the State Highway Patrol has been following this policy with success since August 2007 upon recommendation of the Governor.

Supporters of House Bill 1395 say that sanctuary cities serve as magnets to attract illegal aliens and ultimately cost the state money.

Supporters of House Bill 2366 say that there is a cottage industry of persons supplying fraudulent documents to illegal aliens for the purpose of getting a driver's license or official state identification card. The bill will provide additional legal remedies against those individuals.

Testifying for HB 1549 were Representative Onder; State Highway Patrol; and Missourians Against Illegal Immigration.

Testifying for HB 1771 were Representative Jones (117); Missouri Sheriffs Association; Janet Englebach, Missouri Eagle Forum; Missouri Family Network; State Highway Patrol; and Missourians Against Illegal Immigration.

Testifying for HB 1395 were Representative Dusenberg; Kris Kobach; W. Dale Russell; Randy Thompson; Missourians Against Illegal Immigration; and Reverend William Cain.

Testifying for HB 2366 were Representative Parkinson; Department of Revenue; Randy Thompson; State Highway Patrol; Missourians Against Illegal Immigration; and Reverend William Cain.

OPPONENTS: Those who oppose House Bill 1395 say that it will have many unintended consequences, will hinder law enforcement in solving many crimes, and will make the people of Missouri less safe because law enforcement will not be tending to the really serious cases.

Testifying against HB 1395 were Joan Suarez, Missouri Immigrant and Refugee Advocates; Stephen Blower, American Immigration Lawyers Association; Service Employees International Union, Missouri/Kansas State Council; and Nicole Weinstein.

OTHERS: Others testifying on House Bill 1549 say that Missouri has a relatively small foreign-born population and at least 40% are legal residents. Missouri has not received approval yet from the United States Department of Homeland Security regarding the 287(g) training agreement and may not because there are so few illegal aliens here.

Others testifying on House Bill 1771 say the bill will change the process for the DWI teams who arrest someone and then drop that person off to another officer at the office or station, at which time the booking process begins.

Others testifying on House Bill 1395 say that no government or law enforcement official in Kansas City has mandated that it be a sanctuary city, that the municipal reporting requirement is an unfunded mandate, and that language in the bill violates the Violence Against Women Act.

Testifying on HB 1549 was Joan Suarez, Missouri Immigrant and Refugee Advocates.

Testifying on HB 1771 was Missouri Municipal League.

Testifying on HB 1395 were Captain Roger Lewis, Kansas City Police Department; Missouri Coalition Against Domestic Violence; and Missouri Municipal League.