

HB 2470 -- ILLEGAL ALIENS

SPONSOR: Dinkins

This bill specifies that a person who is an illegal alien, as defined in the bill, commits the offense of illegal entry if the person enters or attempts to enter this State directly from a foreign nation at any location other than a lawful port of entry.

The offense of illegal entry is a class B misdemeanor unless the person has been previously convicted of an offense listed in the bill in which case it is a class E felony. The bill states what is and what is not considered an affirmative defense to prosecution resulting from an offense of illegal entry. A person convicted of illegal entry shall not be eligible for suspended imposition or execution of sentence or parole.

The bill specifies that a person who is an illegal alien commits the offense of refusal to comply with an order to return to a foreign nation if: the person has been charged with or convicted of either the offense of illegal entry or illegal reentry; a judge has issued an order for the person to return to the foreign nation from which the person entered or attempted to enter; and the person refuses to comply with the order. The offense of refusal to comply with an order to return to a foreign nation is a class B felony. A person convicted of refusal to comply with an order to return to a foreign nation shall not be eligible for suspended imposition or execution of sentence or parole.

The bill specifies that if a person commits an offense in violation of a State law or county or municipal ordinance and the person is not a citizen of the United States and is in the state illegally, the person shall also be guilty of trespass by an illegal alien. The bill lists the penalty provisions associated with this offense. The punishment for the offense of trespass by an illegal alien shall be in addition to the punishment for the initial offense in violation of state law or county or municipal ordinance. This offense does not apply to a person who maintains authorization to remain in the United States.

The bill specifies that a person commits the offense of transportation, concealment, or inducement of an illegal alien if he or she knowingly conceals, harbors, or shields or attempts to conceal, harbor, or shield an illegal alien from detection in any place in this State if the person knowingly or recklessly disregards the alien is illegally in the United States; or causes an illegal alien to come to this State if the person knowingly or recklessly disregards the fact that such coming is illegal. This offense is a class A felony with a minimum 10 year sentence.

The bill specifies protections for certain individuals enforcing offenses listed in the bill.

A law enforcement officer shall not arrest or detain a person for purposes of enforcing specific offenses listed in the bill if the person is on the premises or grounds of certain locations.

If after a person is arrested for violation of specific offenses listed in the bill the person appears before a judge for such violation, the judge may order the person to be released and may issue a written order that discharges the person and require the person to return to the foreign nation from which the person entered or attempted to enter. This order shall only be issued if the requirements listed in the bill are fulfilled.