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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To amend the Immigration and Nationality Act to increase penalties for individuals who illegally enter and reenter the United States after being removed, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. BICE (for herself and Mr. KNOTT) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Immigration and Nationality Act to increase penalties for individuals who illegally enter and reenter the United States after being removed, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Illegal Entry
5 Act”.

1 **SEC. 2. COMMISSION OF CRIMES BY ALIENS UNLAWFULLY**
2 **PRESENT IN THE UNITED STATES.**

3 Section 275 of the Immigration and Nationality Act
4 (8 U.S.C. 1325) is amended—

5 (1) in subsection (a), by striking “2 years” and
6 inserting “5 years”; and

7 (2) by adding at the end the following:

8 “(e) Any alien—

9 “(1) who—

10 “(A) enters or attempts to enter the
11 United States at any time or place other than
12 as designated by immigration officers,

13 “(B) eludes examination or inspection by
14 immigration officers, or

15 “(C) attempts to enter or obtains entry to
16 the United States by a willfully false or mis-
17 leading representation or the willful conceal-
18 ment of a material fact, and

19 “(2) thereafter is convicted of any crime pun-
20 ishable by more than 1 year of imprisonment,
21 may be fined under title 18, United States Code, and shall
22 be imprisoned not less than 5 years and may be impris-
23 oned for any term of years or for life.”.

1 **SEC. 3. INCREASED PENALTIES FOR REENTRY OF RE-**
2 **MOVED ALIEN.**

3 Section 276 of the Immigration and Nationality Act
4 (8 U.S.C. 1326) is amended—

5 (1) by redesignating subsections (c) and (d) as
6 subsections (d) and (e), respectively;

7 (2) by striking subsections (a) and (b) and in-
8 serting the following:

9 “(a) IN GENERAL.—Subject to subsections (b) and
10 (c), any alien who—

11 “(1) has been denied admission, excluded, de-
12 ported, removed, or has departed the United States
13 while an order of exclusion, deportation, or removal
14 is outstanding; and

15 “(2) thereafter enters, attempts to enter, or is
16 at any time found in, the United States, unless—

17 “(A) prior to the alien’s reembarkation at
18 a place outside the United States or the alien’s
19 application for admission from foreign contig-
20 uous territory, the Secretary of Homeland Se-
21 curity has expressly consented to such alien’s
22 reapplying for admission; or

23 “(B) with respect to an alien previously de-
24 nied admission and removed, such alien estab-
25 lishes that the alien was not required to obtain

1 such advance consent under this or any prior
2 Act,
3 shall be fined under title 18, United States Code, impris-
4 oned not more than 10 years, or both.

5 “(b) CRIMINAL PENALTIES FOR REENTRY OF CER-
6 TAIN REMOVED ALIENS.—

7 “(1) IN GENERAL.—Notwithstanding the pen-
8 alty under subsection (a), and except as provided in
9 subsection (c), an alien described in subsection (a)—

10 “(A) who was convicted before such re-
11 moval or departure of 3 or more misdemeanors
12 involving drugs, crimes against the person, or
13 both shall be fined under title 18, United States
14 Code, imprisoned not more than 15 years, or
15 both;

16 “(B) who has been excluded from the
17 United States pursuant to section 235(c) be-
18 cause the alien was inadmissible under section
19 212(a)(3)(B) or who has been removed from
20 the United States pursuant to the provisions of
21 title V, and who thereafter, without the permis-
22 sion of the Secretary of Homeland Security, en-
23 ters the United States, or attempts to do so,
24 shall be fined under title 18, United States
25 Code, and imprisoned for a period of 10 years,

1 which sentence shall not run concurrently with
2 any other sentence;

3 “(C) who was removed from the United
4 States pursuant to section 241(a)(4)(B) who
5 thereafter, without the permission of the Sec-
6 retary of Homeland Security, enters, attempts
7 to enter, or is at any time found in, the United
8 States, shall be fined under title 18, United
9 States Code, imprisoned for not more than 10
10 years, or both; and

11 “(D) who has been denied admission, ex-
12 cluded, deported, or removed 3 or more times
13 and thereafter enters, attempts to enter, or is
14 at any time found in the United States, shall be
15 fined under title 18, United States Code, im-
16 prisoned not more than 10 years, or both.

17 “(2) REMOVAL DEFINED.—In this subsection
18 and in subsection (c), the term ‘removal’ includes
19 any agreement in which an alien stipulates to re-
20 moval during (or not during) a criminal trial under
21 either Federal or State law.

22 “(c) MANDATORY MINIMUM CRIMINAL PENALTY FOR
23 REENTRY OF CERTAIN REMOVED ALIENS.—Notwith-
24 standing the penalties provided in subsections (a) and (b),
25 an alien described in subsection (a)—

1 “(1) who was convicted before such removal or
2 departure of—

3 “(A) any aggravated felony;

4 “(B) any crime defined as a felony by the
5 relevant jurisdiction (Federal, State, Tribal, or
6 local) of conviction; or

7 “(C) any crime punishable by more than 1
8 year of imprisonment; or

9 “(2) who was convicted under this section at
10 least 2 times before such removal or departure,
11 may be fined under title 18, United States Code, and shall
12 be imprisoned not less than 10 years and may be impris-
13 oned for any term of years or for life.”; and

14 (3) in subsection (d), as redesignated by para-
15 graph (1)—

16 (A) by striking “section 242(h)(2)” and in-
17 serting “section 241(a)(4)”; and

18 (B) by striking “Attorney General” and in-
19 serting “Secretary of Homeland Security”.