

115TH CONGRESS
1ST SESSION

S. 45

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

IN THE SENATE OF THE UNITED STATES

JANUARY 5, 2017

Mr. CRUZ (for himself, Mr. PERDUE, Mr. GRASSLEY, Mr. JOHNSON, Mr. RUBIO, Mr. INHOFE, Mr. SASSE, Mr. WICKER, Mr. BOOZMAN, and Mr. COTTON) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to increase penalties for individuals who illegally 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 TITLES.**

4 This Act may be cited as the “Stop Illegal Reentry
5 Act” or as “Kate’s Law”.

1 **SEC. 2. 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, or removed or has departed the United
13 States while an order of exclusion, deportation, or
14 removal 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 shall
25 establish that the alien was not required to ob-

1 tain such advance consent under this Act or
2 any prior Act,
3 shall be fined under title 18, United States Code,
4 imprisoned not more than five 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 three or more mis-
12 demeanors involving drugs, crimes against the
13 person, or both, or a felony (other than an ag-
14 gravated felony), shall be fined under title 18,
15 United States Code, imprisoned not more than
16 10 years, or both;

17 “(B) who has been excluded from the
18 United States pursuant to section 235(c) be-
19 cause the alien was inadmissible under section
20 212(a)(3)(B) or who has been removed from
21 the United States pursuant to title V, and who
22 thereafter, without the permission of the Sec-
23 retary of Homeland Security, enters the United
24 States, or attempts to do so, shall be fined
25 under title 18, United States Code, and impris-

1 oned for a period of 10 years, which sentence
2 shall not run concurrently with any other sen-
3 tence;

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

12 “(D) who has been denied admission, ex-
13 cluded, deported, or removed three or more
14 times and thereafter enters, attempts to enter,
15 crosses the border to, attempts to cross the bor-
16 der to, or is at any time found in the United
17 States, shall be fined under title 18, United
18 States Code, imprisoned not more than 10
19 years, or both.

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

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

5 “(1) who was convicted before such removal or
 6 departure of an aggravated felony; or

7 “(2) who was convicted at least two times be-
 8 fore such removal or departure of illegal reentry
 9 under this section,

10 shall be imprisoned not less than five years and not more
 11 than 20 years, and may, in addition, be fined under title
 12 18, United States Code.”; and

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

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

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

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