

BILL SUMMARY
2nd Session of the 59th Legislature

Bill No.:	HB4090
Version:	CS
Request Number:	10583
Author:	Hardin
Date:	3/4/2024
Impact:	DOC: Minimal
	State Budget: No material impact

Research Analysis

The committee substitute to HB 4090 criminalizes the unlawful presence in the United States by providing that a person who is arrested and is found to be unlawfully present is guilty of a felony punishable by imprisonment for not less than 5 years. A person arrested may post a cash bond of not less than \$100,000. In lieu of the prison sentence, the court may issue a written order requiring the person to return to the foreign nation from which the person entered if the person agrees to the order and has not previously been convicted of a violent crime and the person is not charged with another felony offense. The Department of Corrections is to notify the United States Customs and Border Protection of the Department of Homeland Security to arrange transportation for the repatriation of the person.

Prepared By: Brad Wolgamott

Fiscal Analysis

This measure codifies in statute a new crime relating to certain unlawful presence in the United States. In its current form, HB4090 has the potential to generate new imprisonments within the Department of Corrections (DOC) at a marginal cost of \$16.60/day per inmate to be absorbed by existing budgetary resources and is not anticipated to have a material impact on state budget or appropriations.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.