

BILL SUMMARY
1st Session of the 60th Legislature

Bill No.:	HB1362
Version:	CS
Request Number:	13036
Author:	Rep. Hardin
Date:	3/13/2025
Impact:	DOC: Minimal

Research Analysis

The committee substitute to HB 1362 provides that any person who is apprehended and arrested for violating a criminal law of this state, and after determining the citizenship status of the person is found to be unlawfully present in the United States, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five years. A person arrested may be allowed to post a cash bond of \$35,000. In lieu of imprisonment, the court has the authority to dismiss the criminal prosecution and issue an order requiring the person to return to his or her country of origin if the person agrees and has not been previously convicted of a violent offense and is not charged with any other felony offense. If ordered to return to country of origin, the person is remanded to the Department of Corrections who is to notify the United States Customs and Border Protection within seven days for repatriation.

Prepared By: Brad Wolgamott

Fiscal Analysis

The CS to HB1362 sets forth procedures for the courts and for the Department of Corrections (DOC) in certain arrests of persons who are unlawfully present in the United States. The measure creates a new crime related to this offense sets forth penalties. Any person convicted of such crime shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections (DOC) for a term not less than 5 years, however the court shall have the authority to dismiss criminal prosecution if the person agrees to return to his or her country of origin. The frequency at which these conviction will for a new crime cannot be determined, and any resulting costs incurred by the Department of Corrections (DOC) are expected to be immaterial and/or absorbed by the agency. Therefore, this measure in its current form is not anticipated to have a material impact on state budget or appropriations.

Prepared By: Robert Flipping IV, House Fiscal Staff

Other Considerations

None.