

Regular Session, 2008

HOUSE BILL NO. 1357 (Substitute for House Bill No. 24 by Representative Geymann)

BY REPRESENTATIVES GEYMANN, TIM BURNS, HILL, HOFFMANN, GIROD
JACKSON, KATZ, KLECKLEY, LABRUZZO, MORRIS, NOWLIN, PERRY,
POPE, SMILEY, JANE SMITH, AND WOOTON

CRIME: Creates the crime of harboring, concealing, or sheltering an alien

1 AN ACT

2 To enact Division 6 of Subpart A of Part VI of Chapter 1 of Title 14 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 14:100.21, relative to aliens; to
4 create the crime of unlawfully harboring, concealing, or sheltering an alien; to
5 provide for definitions; to provide for penalties; to provide for affirmative defenses;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Division 6 of Subpart A of Part VI of Chapter 1 of Title 14 of the
9 Louisiana Revised Statutes of 1950, comprised of R.S. 14:100.21, is hereby enacted to read
10 as follows:

11 6. ALIENS

12 §100.21. Unlawful harboring, concealing, or sheltering of an alien

13 A. It shall be unlawful for any person to harbor, conceal, or shelter from
14 detection any alien in any place within the state of Louisiana, including any building,
15 when the offender has knowledge of the fact that the alien has entered or remained
16 in the United States in violation of law and if either of the following occur:

17 (1) The offender has the intent of assisting the alien in eluding a federal, state
18 or local law enforcement agency, or the United States Citizenship and Immigration
19 Services Bureau; or

20 (2) The offender has the intent of assisting the alien in avoiding or escaping
21 arrest, trial, conviction, or punishment.

1 B. For the purposes of this Section, "alien" has the same meaning as defined
2 in the Immigration and Nationality Act, 8 U.S.C. 1101(a)(3).

3 C. Nothing in this Section shall be construed so as to prohibit or restrict the
4 provision of any state or local public benefit described in 8 U.S.C. 1621(b), or
5 regulated public health services provided by a private charity using private funds.

6 D.(1) Whoever commits the crime of unlawfully harboring, concealing, or
7 sheltering an alien on a first conviction shall be fined not more than one thousand
8 dollars, or imprisoned for not more than six months, or both.

9 (2) Whoever commits the crime of unlawfully harboring, concealing, or
10 sheltering an alien on a second or subsequent conviction shall be fined not more than
11 two thousand dollars, or imprisoned for not more than one year, or both.

12 E. The following shall be affirmative defenses to prosecution under this
13 Section:

14 (1) The person was providing humanitarian aid as a designated
15 representative of a nonprofit organization which is tax exempt pursuant to Section
16 501(c)(3) of the Internal Revenue Code.

17 (2) The person was the attorney or his designee, or such other persons
18 authorized to represent clients in immigration matters pursuant to 8 C.F.R. §1292.1,
19 or their designee, and who was assisting the alien and providing representation to the
20 alien in the course and scope of the attorney's or other authorized representative's
21 employment.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Geymann

HB No. 1357

Abstract: Creates the crime of illegally harboring, concealing, or sheltering an alien.

Proposed law provides that it shall be unlawful for any person to harbor, conceal, or shelter from detection any alien in any place within the state of La., including any building or means of transportation, knowing or in reckless disregard of the fact that the alien has entered or remained in the U.S. in violation of law.

Proposed law defines "alien" as any person who is not a U.S. citizen, who is physically present in the U.S. without the legal right to remain in the U.S.

Proposed law provides that whoever commits the crime of unlawfully harboring, concealing, or sheltering an alien on a first conviction shall be fined not more than \$1,000, or imprisoned for not more than six months, or both. Whoever commits the crime of unlawfully harboring, concealing, or sheltering an alien on a second or subsequent conviction shall be fined not more than \$2,000, or imprisoned for not more than one year, or both.

Proposed law provides for affirmative defenses.

(Adds R.S. 14:100.21)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Amends the affirmative defense regarding the attorney of an alien to include other persons authorized to represent clients in immigration matters or their designees.