

Regular Session, 2008

HOUSE BILL NO. 1358 (Substitute for House Bill No. 26 by Representative Geymann)

BY REPRESENTATIVE GEYMANN

CRIME: Prohibits the transportation of 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 unlawful transportation of an alien; to provide for definitions; to
5 provide for affirmative defenses; to provide for penalties; and to provide for related
6 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 transportation of an alien

13 A. It shall be unlawful for any person to transport, move, or attempt to
14 transport in the state of Louisiana any alien, knowing or in reckless disregard of the
15 fact that the alien has entered or remained in the United States in violation of law,
16 in furtherance of the illegal presence of the alien in the United States.

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

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

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

7 (2) Whoever commits the crime of unlawfully transporting an alien on a
8 second or subsequent conviction shall be fined not more than two thousand dollars,
9 or imprisoned with or without hard labor for not more than one year, or both.

10 E. The following shall be affirmative defenses to prosecution under this
11 Section:

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

15 (2) The person was the attorney or his designee, or such other persons
16 authorized to represent clients in immigration matters pursuant to 8 C.F.R. §1292.1,
17 or other designee, representing the alien and who was transporting the alien in the
18 course and scope of the attorney's or other authorized representative's 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. 1358

Abstract: Creates the crime of unlawful transportation of aliens.

Proposed law provides that it shall be unlawful for any person to transport, move, or attempt to transport in the state of La. any alien, knowing or in reckless disregard of the fact that the nonresident alien has entered or remained in the U.S. in violation of law, in furtherance of the illegal presence of the alien in the U.S.

Proposed law further provides that whoever commits the crime of unlawfully transporting an alien on a first conviction shall be fined not more than \$1,000, or imprisoned for not more than six months, or both. On a second or subsequent conviction, the offender shall be fined not more than \$2,000, or imprisoned with or without hard labor for not more than one year, or both.

Proposed law provides for definitions and affirmative defenses.

(Adds R.S. 14:100.21)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

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