

2016 -- H 7144

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO CRIMINAL OFFENSES - ESTABLISHING MANDATORY MINIMUM
SENTENCE FOR ILLEGAL REENTRY INTO THE UNITED STATES

Introduced By: Representatives Costa, Nardolillo, Trillo, Giarrusso, and Reilly

Date Introduced: January 13, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 11 of the General Laws entitled "CRIMINAL OFFENSES" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 69

4 THE RHODE ISLAND MANDATORY MINIMUM SENTENCE FOR ILLEGAL REENTRY

5 ACT

6 **11-69-1. Short title.** – This chapter shall be known and may be cited as the "Rhode
7 Island Mandatory Minimum Sentence for illegal Reentry Act of 2016".

8 **11-69-2. In general.** – (a) Any alien who:

9 (1) Has been denied admission, excluded, deported, or removed or has departed the
10 United States while an order of exclusion, deportation, or removal is outstanding, and thereafter
11 enters, attempts to enter, or is at any time found in this state, unless:

12 (i) Prior to their reembarkation at a place outside the United States or their application for
13 admission from foreign contiguous territory, the Attorney General of the United States has
14 expressly consented to such alien's reapplying for admission; or

15 (ii) With respect to an alien previously denied admission and removed, unless such alien
16 shall establish that they are not required to obtain such advance consent under this chapter or any
17 prior act, they shall be guilty of a felony.

18 **11-69-3. Penalties.** – (a) Any person who is found guilty, pleads guilty, or pleads nolo

1 contendere to the offense described in §11-69-2 shall be sentenced to the Adult Correctional
2 Institution for a period of not less than five (5), nor more than ten (10) years.

3 (b) No person sentenced pursuant to this chapter shall be afforded the benefit of
4 suspension or deferment of their sentence.

5 **11-69-4. Construction.** – Nothing contained in this chapter shall be construed to be
6 contrary to, or inconsistent with, any provision of 8 U.S.C. 1326.

7 **11-69-5. Severability.** – If any provision of this chapter or of any rule or regulation made
8 under this chapter, or its application to any person or circumstance is held invalid by a court of
9 competent jurisdiction, the remainder of the chapter, rule, or regulation and the application of the
10 provision to other persons or circumstances shall not be affected by this invalidity. The invalidity
11 of any section or sections or parts of any section or sections shall not affect the validity of the
12 remainder of the chapter.

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES - ESTABLISHING MANDATORY MINIMUM
SENTENCE FOR ILLEGAL REENTRY INTO THE UNITED STATES

- 1 This act would prohibit any alien from entering or attempting to enter the state of Rhode
- 2 Island after unlawfully reentering the United States after prior removal.
- 3 This act would take effect upon passage.

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