

HR 128 IH

111th CONGRESS

1st Session

H. R. 128

To amend the Immigration and Nationality Act to strengthen the criminal consequences for certain violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES**January 6, 2009**

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to strengthen the criminal consequences for certain violations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Respect for the Law Act of 2009'.

SEC. 2. CRIMINAL CONSEQUENCES WITH RESPECT TO VOLUNTARY DEPARTURE.

Subsection (d) of section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c(d)) is amended--

- (1) in the heading, by striking `Civil';
- (2) in paragraph (1), by amending subparagraph (A) to read as follows:

`(A) shall be imprisoned not less than 1 and not more than 4 years and fined under title 18, United States Code; and';

[+]
FEEDBACK

- (3) by redesignating paragraph (3) as paragraph (4); and
- (4) by inserting after paragraph (2) the following:

`(3) REENTRY OF DEPARTED ALIENS- An alien who is permitted to depart voluntarily under this section and thereafter enters, attempts to enter, or is present in the United States in violation of law shall be imprisoned not less than 1 and not more than 2 years and fined under title 18, United States Code.'.

SEC. 3. CRIMINAL CONSEQUENCES WITH RESPECT TO FAILURE OF A DEPORTABLE ALIEN TO DEPART OR APPEAR.

Subsection (a) of section 243 of the Immigration and Nationality Act (8 U.S.C. 1253(a)) is amended--

(1) in the heading, by inserting `for Failure to Appear and' before `for Failure to Depart'; and

(2) in paragraph (1)--

(A) in subparagraph (C), by striking `or' at the end;

(B) in subparagraph (D), by adding `or' at the end;

(C) by inserting after subparagraph (D) the following:

`(E) was ordered removed in absentia under section 240(b)(5)(A) (unless such order was rescinded or otherwise invalidated),'; and

(D) by striking the matter following subparagraph (E) (as added by subparagraph (C)) and inserting the following:

`shall be imprisoned not less than 1 and not more than 4 years (or imprisoned 10 years if the alien is a member of any of the classes described in paragraph (1)(E), (2), (3), or (4) of section 237(a)) and fined under title 18, United States Code.'.

SEC. 4. CRIMINAL CONSEQUENCES WITH RESPECT TO REENTRY OF REMOVED ALIENS.

Section 276 of the Immigration and Nationality Act (8 U.S.C. 1326) is amended--

(1) in subsection (a), by striking the matter following paragraph (2) and inserting the following:

`shall be imprisoned not less than 1 and not more than 2 years and fined under title 18, United States Code.'; and

(2) in subsection (b)--

(A) in paragraph (1), by striking `shall be fined' and all that follows through `or both' and inserting `shall be imprisoned not less than 3 and not more than 10 years and fined under title 18, United States Code';

(B) in paragraph (2), by striking `shall be fined' and all that follows through `or both' and inserting `shall be imprisoned not less than 10 and not more than 20 years and fined under title 18, United States Code'; and

(C) in paragraph (4), by striking `shall be fined' and all that follows through `or both' and inserting `shall be imprisoned not less than 3 and not more than 10 years and fined under title 18, United States Code'.

SEC. 5. EXCLUSION OF ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES FOR MORE THAN 6 MONTHS.

Section 212(a)(9)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)(i)) is amended by striking subclauses (I) and (II) and inserting the following:

`(I) has been unlawfully present in the United States for a period of more than 180 days but less than 1 year, unless the alien has subsequently remained outside of the United States for an uninterrupted period of at least 3 years, or

`(II) has been unlawfully present in the United States for a period of 1 year or more, unless the alien has subsequently remained outside of the United States for an uninterrupted period of at least 10 years,'.

END