

By the Committee on Crime Prevention, Corrections & Safety  
and Representative Barreiro

1                                   A bill to be entitled  
2           An act relating to illegal bringing of certain  
3           aliens into the state; providing definitions;  
4           providing penalties; providing an increased  
5           penalty when a person is seriously injured or  
6           killed as a result of a violation of the act;  
7           providing appropriate sentencing  
8           considerations; providing for videotaped  
9           depositions; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13           Section 1. Illegal bringing of certain aliens into the  
14 state; definitions; penalties; increased penalties where  
15 serious injury or death results.--

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(1) For purposes of this section:

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(a) "Alien" means any person who is not a citizen or  
18 national of the United States.

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(b) "National of the United States" means a person  
20 who, though not a citizen of the United States, owes permanent  
21 allegiance to the United States.

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(2) Except as provided in subsection (3) or subsection  
23 (4), a person who knowingly or in reckless disregard of the  
24 fact that an alien has not received prior official  
25 authorization to come to, enter, or reside in the United  
26 States pursuant to the United States Immigration and  
27 Naturalization Code, section 1101, et seq., brings, attempts  
28 to bring, or conspires to bring into the state in any manner  
29 whatsoever such alien, regardless of any official action which  
30 may later be taken with respect to such alien, commits a  
31 felony of the second degree, punishable as provided in s.

1 775.082, s. 775.083, or s. 775.084, Florida Statutes, for each  
2 alien in respect to whom a violation of this subsection  
3 occurs.

4 (3) A person who violates subsection (2), during and  
5 in relation to which such person causes serious bodily injury  
6 to, or places in jeopardy the life of, any other person,  
7 commits a felony of the first degree, punishable as provided  
8 in s. 775.082, s. 775.03, or s. 775.084, Florida Statutes, for  
9 each alien in respect to whom a violation of subsection (2)  
10 occurs.

11 (4) A person who violates subsection (2) resulting in  
12 the death of another person commits a capital felony,  
13 punishable as provided in s. 775.082, Florida Statutes, for  
14 each alien in respect to whom a violation of subsection (2)  
15 occurs.

16 (5) In determining the appropriate sentence for any  
17 violation of this section, the sentencing court may take into  
18 consideration a federal offense comparable to the offense  
19 under this section for which the defendant is to be sentenced  
20 and the maximum penalty provided for such federal offense.

21 (6) Notwithstanding any other section that may be to  
22 the contrary, the videotaped or otherwise audiovisually  
23 preserved deposition of a witness to a violation of this  
24 section who has been deported or otherwise expelled from the  
25 United States, or is otherwise unable to testify, may be  
26 admitted into evidence in an action brought for such violation  
27 if such witness was available for cross-examination and the  
28 deposition otherwise complies with the Florida Rules of  
29 Evidence.

30 Section 2. This act shall take effect July 1, 2002.  
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