

By the Committee on Criminal and Civil Justice Appropriations;  
and Senators Dockery and Gaetz

604-07693-08

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1 A bill to be entitled

2 An act relating to human smuggling; creating s. 787.07,  
3 F.S.; defining the term "illegal alien"; providing that a  
4 person commits a third-degree felony if he or she  
5 transports an individual 18 years of age or older into  
6 this state and knows, or should know, that the individual  
7 is an illegal alien; providing that it is a second-degree  
8 felony if such illegal alien is injured or dies; providing  
9 that a person commits a second-degree felony if he or she  
10 transports a minor into this state and knows, or should  
11 know, that the minor is an illegal alien; providing that  
12 it is a first-degree felony if such illegal alien is  
13 injured or dies; providing that a person commits a  
14 separate offense for each person he or she unlawfully  
15 transports; providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19 Section 1. Section 787.07, Florida Statutes, is created to  
20 read:

21 787.07 Human smuggling.--

22 (1) As used in this section, the term "illegal alien" means  
23 an individual who is not authorized to enter the United States at  
24 the time of entry and who is not granted official authorization  
25 to remain in the United States by the United States Government  
26 before being deported or removed.

27 (2) (a) A person who transports into this state an  
28 individual 18 years of age or older whom the person knows, or  
29 should know, is an illegal alien commits a felony of the third

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30 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
31 775.084.

32 (b) If, during the course of a violation of paragraph (a),  
33 the illegal alien being transported suffers great bodily harm or  
34 death, the violation is a felony of the second degree, punishable  
35 as provided in s. 775.082, s. 775.083, or s. 775.084.

36 (3) (a) A person who transports into this state a minor whom  
37 the person knows, or should know, is an illegal alien commits a  
38 felony of the second degree, punishable as provided in s.  
39 775.082, s. 775.083, or s. 775.084.

40 (b) If, during the course of a violation of paragraph (a),  
41 the illegal alien being transported suffers great bodily harm or  
42 death, the violation is a felony of the first degree, punishable  
43 as provided in s. 775.082, s. 775.083, or s. 775.084.

44 (4) A person commits a separate offense for each person he  
45 or she transports into this state in violation of this section.

46 Section 2. This act shall take effect October 1, 2008.