

1                   A bill to be entitled  
2           An act relating to combatting illegal immigration;  
3           amending s. 768.28, F.S.; providing that specified  
4           persons and entities are immune from liability for  
5           damages arising from certain causes of action;  
6           requiring the state to indemnify certain elected or  
7           appointed persons; specifying that persons entitled to  
8           indemnification are entitled to representation by the  
9           Attorney General; providing applicability; creating s.  
10          775.101, F.S.; creating a civil cause of action for  
11          victims of any crime committed by aliens under certain  
12          circumstances against any person who knowingly and  
13          willfully aided or assisted the alien in entering this  
14          state; providing for venue; authorizing the recovery  
15          of specified damages, attorney fees, and costs;  
16          providing affirmative defenses; providing a statute of  
17          limitations; providing a directive to the Division of  
18          Law Revision; creating s. 811.101, F.S.; defining the  
19          terms "alien" and "removal"; creating s. 811.102,  
20          F.S.; providing criminal penalties for adult aliens  
21          who knowingly enter or attempt to enter this state  
22          after entering the United States by eluding or  
23          avoiding examination or inspection by immigration  
24          officers; authorizing the waiver of the term of  
25          imprisonment if the alien agrees to a certain written

26 | agreement; providing enhanced criminal penalties for  
27 | second or subsequent convictions; prohibiting the  
28 | arrest of aliens under specified circumstances;  
29 | providing affirmative defenses; requiring the  
30 | detention of an alien arrested for such a violation  
31 | pending disposition of the case; specifying that such  
32 | aliens are not eligible for any civil citation or  
33 | other prearrest or postarrest diversion program;  
34 | requiring the arresting law enforcement agency to  
35 | notify certain entities; requiring the law enforcement  
36 | agency with custody of the alien to be responsible for  
37 | coordinating with the alien to arrange transportation  
38 | to the alien's country of destination and for ensuring  
39 | that the alien leaves the United States under certain  
40 | circumstances; authorizing the Department of Law  
41 | Enforcement to adopt rules; creating s. 811.103, F.S.;  
42 | providing criminal penalties for an adult alien who,  
43 | after having been denied admission, excluded,  
44 | deported, or removed or having departed the United  
45 | States while an order of exclusion, deportation, or  
46 | removal is outstanding, thereafter enters, attempts to  
47 | enter, or is at any time found in this state;  
48 | providing an exception; providing enhanced criminal  
49 | penalties for an alien whose arrest for such  
50 | violations was after the commission of specified

51 offenses; requiring concurrent sentences; requiring  
52 the detention of an alien arrested for such a  
53 violation pending disposition of the case; specifying  
54 that such aliens are not eligible for any civil  
55 citation or other prearrest or postarrest diversion  
56 program; requiring the arresting law enforcement  
57 agency to notify certain entities; requiring the law  
58 enforcement agency with custody of the alien to be  
59 responsible for coordinating with the alien to arrange  
60 transportation to the alien's country of destination  
61 and for ensuring that the alien leaves the United  
62 States under certain circumstances; authorizing the  
63 Department of Law Enforcement to adopt rules; creating  
64 s. 811.104, F.S.; providing criminal penalties for  
65 persons who knowingly and willfully assist certain  
66 aliens who illegally entered or reentered the United  
67 States; providing affirmative defenses; amending s.  
68 948.012, F.S.; authorizing a defendant who is an alien  
69 to have any term of the defendant's probationary  
70 sentence converted to administrative probation by the  
71 Department of Corrections under specified  
72 circumstances; requiring the department to be  
73 responsible for coordinating with the defendant to  
74 arrange transportation under certain circumstances;  
75 authorizing public funds to be used to procure

76 transportation; requiring the court to verify certain  
 77 information in a hearing before the defendant's  
 78 departure from the United States; authorizing the  
 79 court to issue certain orders; authorizing the  
 80 department to adopt rules; providing for severability;  
 81 providing an effective date.

82

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

84

85 **Section 1. Paragraph (a) of subsection (5) of section**  
 86 **768.28, Florida Statutes, is amended, and subsection (21) is**  
 87 **added to that section, to read:**

88 768.28 Waiver of sovereign immunity in tort actions;  
 89 recovery limits; civil liability for damages caused during a  
 90 riot; limitation on attorney fees; statute of limitations;  
 91 exclusions; indemnification; risk management programs.—

92 (5) (a) Except as expressly provided in this section, the  
 93 state and its agencies and subdivisions shall be liable for tort  
 94 claims in the same manner and to the same extent as a private  
 95 individual under like circumstances, but liability may ~~shall~~ not  
 96 include punitive damages or interest for the period before  
 97 judgment. Neither the state nor its agencies or subdivisions  
 98 shall be liable to pay a claim or a judgment by any one person  
 99 which exceeds the sum of \$200,000 or any claim or judgment, or  
 100 portions thereof, which, when totaled with all other claims or

101 judgments paid by the state or its agencies or subdivisions  
102 arising out of the same incident or occurrence, exceeds the sum  
103 of \$300,000. However, a judgment or judgments may be claimed and  
104 rendered in excess of these amounts and may be settled and paid  
105 pursuant to this act up to \$200,000 or \$300,000, as the case may  
106 be; and that portion of the judgment that exceeds these amounts  
107 may be reported to the Legislature, but may be paid in part or  
108 in whole only by further act of the Legislature. Notwithstanding  
109 the limited waiver of sovereign immunity provided herein, the  
110 state or an agency or subdivision thereof may agree, within the  
111 limits of insurance coverage provided, to settle a claim made or  
112 a judgment rendered against it without further action by the  
113 Legislature, but the state or agency or subdivision thereof may  
114 ~~shall~~ not be deemed to have waived any defense of sovereign  
115 immunity or to have increased the limits of its liability as a  
116 result of its obtaining insurance coverage for tortious acts in  
117 excess of the \$200,000 or \$300,000 waiver provided above. The  
118 limitations of liability set forth in this subsection shall  
119 apply to the state and its agencies and subdivisions whether or  
120 not the state or its agencies or subdivisions possessed  
121 sovereign immunity before July 1, 1974.

122 (21) (a) Except as provided by paragraph (d), the state,  
123 its agencies and subdivisions, and their constitutional  
124 officers, officials, employees, and contractors are immune from  
125 liability for damages arising from a cause of action under state

126 law resulting from an action taken by any official, employee, or  
127 contractor to enforce s. 811.102, s. 811.103, s. 811.104, s.  
128 908.104, s. 908.11, or s. 908.13 during the course and scope of  
129 the respective constitutional officer's, official's, employee's,  
130 or contractor's office, employment, or contractual performance  
131 for or service on behalf of the state, its agencies, or its  
132 subdivisions.

133 (b) Except as provided by paragraph (d), the state shall  
134 indemnify a constitutional officer, an elected or appointed  
135 state official, or a state employee or contractor for damages  
136 arising from a cause of action under federal law resulting from  
137 an action taken by the official, employee, or contractor to  
138 enforce s. 811.102, s. 811.103, s. 811.104, s. 908.104, s.  
139 908.11, or s. 908.13 during the course and scope of the  
140 respective constitutional officer's, official's, employee's, or  
141 contractor's office, employment, or contractual performance for  
142 or service on behalf of the state, its agencies, or its  
143 subdivisions.

144 (c) Notwithstanding any other law, an indemnification  
145 payment made under paragraph (b) is not subject to an  
146 indemnification limit under the laws of the state.

147 (d) Paragraphs (a) and (b) do not apply if the court or  
148 jury determines that the constitutional officer, state official,  
149 employee, or contractor acted in bad faith, with conscious  
150 indifference, or with recklessness.

151 (e) The state shall indemnify a constitutional officer or  
152 a state or local official, employee, or contractor for  
153 reasonable attorney fees incurred in defense of a criminal  
154 prosecution against the constitutional officer, official,  
155 employee, or contractor for an action taken by the officer,  
156 official, employee, or contractor to enforce s. 811.102, s.  
157 811.103, s. 811.104, s. 908.104, s. 908.11, or s. 908.13 during  
158 the course and scope of the constitutional officer's,  
159 official's, employee's, or contractor's office, employment, or  
160 contractual performance for or service on behalf of the state,  
161 its agencies, or its subdivisions.

162 (f) A constitutional officer, state official, employee, or  
163 contractor entitled to indemnification under paragraph (b) is  
164 entitled to representation by the Attorney General in an action  
165 in connection with which the officer, official, employee, or  
166 contractor may be entitled to such indemnification.

167 **Section 2. Section 775.101, Florida Statutes, is created**  
168 **to read:**

169 775.101 Civil actions for victims of crimes committed by  
170 aliens.—

171 (1) A victim of any crime committed by an alien who  
172 illegally entered or reentered the United States and then  
173 entered this state has a civil cause of action against any  
174 person who knowingly and willfully aided or assisted such alien  
175 in entering this state. Such victim may recover damages as

176 provided in this section.

177 (a) The action may be brought in any circuit court of  
178 competent jurisdiction in this state.

179 (b) A victim who prevails in any such action may recover  
180 economic and noneconomic damages; punitive damages, as provided  
181 in ss. 768.72, 768.725, and 768.73; reasonable attorney fees;  
182 and costs.

183 1. Economic damages include, but are not limited to, past  
184 and future medical and mental health expenses and all other  
185 reasonable costs and expenses incurred by the victim or  
186 estimated to be incurred by the victim in the future as a result  
187 of the victim's injuries.

188 2. Noneconomic damages are nonfinancial losses that would  
189 not have occurred but for the victimization, and include pain  
190 and suffering, inconvenience, physical impairment, mental  
191 anguish, disfigurement, loss of capacity for enjoyment of life,  
192 and other nonfinancial losses.

193 (c) The civil remedies provided for in this section do not  
194 preempt any other remedy or cause of action provided by law.

195 (d) The court has specific authority to consolidate civil  
196 actions for the same defendant for the purpose of case  
197 resolution and aggregate jurisdiction.

198 (2) It is an affirmative defense to a claim brought under  
199 this section if:

200 (a) The person is a federal, state, or local government



201 employee working within the course and scope of his or her  
202 employment and the aid or assistance provided to an alien is  
203 limited to the aid or assistance authorized by the governmental  
204 entity for which the person works; or

205 (b) The person is an agent or works for an entity under  
206 contract with a federal, state, or local government to provide  
207 services to persons, including aliens, and the aid or assistance  
208 provided to an alien is limited to the aid or assistance  
209 authorized by the government explicitly in that contract,  
210 memorandum of understanding, appendix, or other written document  
211 or direction.

212 (3) The statute of limitations as specified in s. 95.11(7)  
213 or (9), as applicable, governs an action brought under this  
214 section.

215 **Section 3.** The Division of Law Revision is directed to  
216 create chapter 811, to be entitled "ALIENS, NATIONALITY, AND  
217 IMMIGRATION," consisting of ss. 811.101, 811.102, 811.103, and  
218 811.104, Florida Statutes.

219 **Section 4. Section 811.101, Florida Statutes, is created**  
220 **to read:**

221 811.101 Definitions.—As used in this chapter, the term:

222 (1) "Alien" has the same meaning as in 8 U.S.C. s. 1101,  
223 as that provision existed on January 1, 2023.

224 (2) "Removal" means the departure from the United States  
225 of an alien after any proceeding under 8 U.S.C. ss. 1225, 1228,

226 1229, or 1229a or any agreement in which an alien stipulates to  
227 departure from the United States as part of a criminal  
228 proceeding under either federal or state law.

229 **Section 5. Section 811.102, Florida Statutes, is created**  
230 **to read:**

231 811.102 Illegal entry by adult alien into this state.—

232 (1) (a) An alien who is more than 18 years of age and who  
233 knowingly enters or attempts to enter this state after entering  
234 the United States by eluding or avoiding examination or  
235 inspection by immigration officers commits a misdemeanor of the  
236 first degree, punishable as provided in s. 775.082 or s.  
237 775.083. Such person must be sentenced to a minimum term of  
238 imprisonment of 9 months.

239 (b) The term of imprisonment may be waived at any time  
240 before or after conviction if the alien agrees in writing to  
241 return voluntarily to the alien's country of origin or otherwise  
242 leave the United States and the alien leaves the United States.

243 (2) An alien commits a felony of the third degree,  
244 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
245 if he or she:

246 (a) Is older than 18 years of age;

247 (b) Knowingly enters or attempts to enter this state after  
248 entering the United States by eluding or avoiding examination or  
249 inspection by immigration officer; and

250 (c) Has one conviction for violating this section.

251  
252 Such person must be sentenced to a minimum term of imprisonment  
253 of 1 year and 1 day. Any term of probation imposed in addition  
254 to the term of imprisonment may be converted by the trial court  
255 into administrative probation if the alien agrees at the time of  
256 sentencing to return voluntarily to the alien's country of  
257 origin or otherwise leave the United States and the alien leaves  
258 the United States.

259 (3) An alien commits a felony of the third degree,  
260 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
261 if he or she:

262 (a) Is older than 18 years of age;

263 (b) Knowingly enters or attempts to enter this state after  
264 entering the United States by eluding or avoiding examination or  
265 inspection by immigration officers; and

266 (c) Has two or more convictions for violating this  
267 section.

268  
269 Such person must be sentenced to a minimum term of imprisonment  
270 of 2 years. Any term of probation imposed in addition to the  
271 term of imprisonment may be converted by the trial court into  
272 administrative probation if the alien agrees at the time of  
273 sentencing to return voluntarily to the alien's country of  
274 origin or otherwise leave the United States and the alien leaves  
275 the United States.

276 (4) An alien may not be subject to arrest for a violation  
277 of this section if the alien was encountered by law enforcement  
278 in this state during the investigation of another crime that  
279 occurred in this state and the alien witnessed or reported that  
280 crime or was a victim of that crime.

281 (5) It is an affirmative defense to prosecution under this  
282 section if:

283 (a) The Federal Government has granted the alien lawful  
284 presence in the United States or discretionary relief that  
285 allows the alien to remain in the United States temporarily or  
286 permanently;

287 (b) The alien is subject to relief under the Cuban  
288 Adjustment Act of 1966; or

289 (c) The alien's entry into the United States did not  
290 constitute a violation of 8 U.S.C. s. 1325(a).

291 (6) Notwithstanding any other law, and unless release is  
292 otherwise required by the State Constitution or the United  
293 States Constitution, an alien arrested for a violation of this  
294 section must be detained pending disposition of the case because  
295 no conditions of release can reasonably assure the presence of  
296 the alien at trial.

297 (7) An alien charged with violating this section is not  
298 eligible for any civil citation or other prearrest or postarrest  
299 diversion program, including, but not limited to, a program  
300 pursuant to s. 901.41, s. 921.00241, or other similar program.

301 (8) At the time of arrest for a violation of this section,  
302 the law enforcement agency making the arrest shall notify:

303 (a) Immigration and Customs Enforcement of the United  
304 States Department of Homeland Security and provide that agency  
305 information relating to the alien; and

306 (b) The Department of Law Enforcement and provide that  
307 agency information relating to the alien, which must include  
308 fingerprints, photographs, and any other biometric information  
309 necessary to identify the alien in the future, and the costs  
310 associated with the arrest, detention, supervision, and  
311 transportation of the alien for a violation of this section.

312 (9) If an alien agrees to return voluntarily to the  
313 alien's country of origin or otherwise leave the United States  
314 in accordance with this section, the law enforcement agency with  
315 custody of the alien shall be responsible, consistent with state  
316 and federal law, for coordinating with the alien to arrange  
317 transportation to the alien's country of destination and for  
318 ensuring that the alien leaves the United States. Public funds  
319 may be used to procure transportation as necessary. If the alien  
320 fails to depart the United States for any reason, any term of  
321 imprisonment or probation for which the alien has been sentenced  
322 and which has not been served must be reinstated. Before the  
323 alien's departure from the United States, the court exercising  
324 jurisdiction in the case shall verify in a hearing that the  
325 alien consents to depart the United States, that such consent is

326 knowing and voluntary, and that failure to depart for any reason  
327 will result in reinstatement of any term of imprisonment or  
328 probation for which the alien has been sentenced and which has  
329 not been served. The court may issue any orders, consistent with  
330 state and federal law, necessary to effectuate the alien's  
331 voluntary departure from the United States.

332 (10) The Department of Law Enforcement may adopt rules to  
333 implement this section.

334 **Section 6. Section 811.103, Florida Statutes, is created**  
335 **to read:**

336 811.103 Illegal reentry of an adult alien.—

337 (1) An alien commits a felony of the third degree,  
338 punishable as provided in s. 775.082, s. 775.083, or s. 775.084  
339 if he or she:

340 (a) Is 18 years of age or older;

341 (b) After having been denied admission, excluded,  
342 deported, or removed or having departed the United States while  
343 an order of exclusion, deportation, or removal is outstanding;  
344 and

345 (c) Thereafter enters, attempts to enter, or is at any  
346 time found in this state, unless before the alien's  
347 reembarkation at a place outside the United States or his or her  
348 application for admission from a foreign contiguous territory:

349 1. The Attorney General of the United States expressly  
350 consented to such alien's reapplying for admission; or

351 2. With respect to an alien previously denied admission  
352 and removed, unless such alien establishes that the alien was  
353 not required to obtain such advance consent under the  
354 Immigration and Nationality Act, as amended.

355  
356 Such alien must be sentenced to a minimum term of imprisonment  
357 of 1 year and 1 day. Any term of probation imposed in addition  
358 to the terms of imprisonment may be converted by the trial court  
359 into administrative probation if the alien agrees at the time of  
360 sentencing to return voluntarily to the alien's country of  
361 origin or otherwise leave the United States and the alien leaves  
362 the United States.

363 (2) Notwithstanding subsection (1), in the case of any  
364 alien described in subsection (1):

365 (a) Whose arrest under subsection (1) was subsequent to a  
366 conviction for the commission of three or more misdemeanors or a  
367 felony other than an aggravated felony as defined by federal law  
368 or a violent felony under state law commits a felony of the  
369 third degree, punishable as provided in s. 775.082, s. 775.083,  
370 or s. 775.084. Such person must be sentenced to a minimum term  
371 of imprisonment of 2 years. Any term of probation imposed in  
372 addition to the term of imprisonment may be converted by the  
373 trial court into administrative probation if the alien agrees at  
374 the time of sentencing to return voluntarily to the alien's  
375 country of origin or otherwise leave the United States and the

376 alien leaves the United States.

377 (b) Whose arrest under subsection (1) was subsequent to a  
378 conviction for the commission of an aggravated felony as defined  
379 by federal law or a violent felony under state law commits a  
380 felony of the second degree, punishable as provided in s.  
381 775.082, s. 775.083, or s. 775.084. Such person must be  
382 sentenced to a minimum term of imprisonment of 5 years. Any term  
383 of probation imposed in addition to the term of imprisonment may  
384 be converted by the trial court into administrative probation if  
385 the alien agrees at the time of sentencing to return voluntarily  
386 to the alien's country of origin or otherwise leave the United  
387 States and the alien leaves the United States.

388 (3) Any sentence imposed under this section must run  
389 concurrently with the sentence imposed for any other criminal  
390 conviction.

391 (4) Notwithstanding any other law, and unless release is  
392 otherwise required by the State Constitution or the United  
393 States Constitution, an alien arrested for a violation of this  
394 section must be detained pending disposition of the case because  
395 no conditions of release can reasonably assure the presence of  
396 the alien at trial.

397 (5) An alien charged with violating this section is not  
398 eligible for any civil citation or other prearrest or postarrest  
399 diversion program, including, but not limited to, a program  
400 pursuant to s. 901.41, s. 921.00241, or other similar program.



401 (6) At the time of arrest, the law enforcement agency  
402 making the arrest must notify:

403 (a) Immigration and Customs Enforcement of the United  
404 States Department of Homeland Security and provide that agency  
405 information relating to the alien; and

406 (b) The Department of Law Enforcement and provide that  
407 agency information relating to the alien, which must include  
408 fingerprints, photographs, and any other biometric information  
409 necessary to identify the alien in the future, and the costs  
410 associated with the arrest, detention, supervision, and  
411 transportation of the alien for a violation of this section.

412 (7) If an alien agrees to return voluntarily to the  
413 alien's country of origin or otherwise leave the United States  
414 in accordance with this section, the law enforcement agency with  
415 custody of the alien shall be responsible, consistent with state  
416 and federal law, for coordinating with the alien to arrange  
417 transportation to the alien's country of destination and for  
418 ensuring that the alien leaves the United States. Public funds  
419 may be used to procure transportation as necessary. If the alien  
420 fails to depart the United States for any reason, any term of  
421 imprisonment or probation for which the alien has been sentenced  
422 and which has not been served must be reinstated. Before the  
423 alien's departure from the United States, the court exercising  
424 jurisdiction in the case shall verify in a hearing that the  
425 alien consents to depart the United States, that such consent is

426 knowing and voluntary, and that failure to depart for any reason  
427 will result in reinstatement of any term of imprisonment or  
428 probation for which the alien has been sentenced and which has  
429 not been served. The court may issue any orders, consistent with  
430 state and federal law, necessary to effectuate the alien's  
431 voluntary departure from the United States.

432 (8) The Department of Law Enforcement may adopt rules to  
433 implement this section.

434 **Section 7. Section 811.104, Florida Statutes, is created**  
435 **to read:**

436 811.104 Illegal aid or support to an alien.—

437 (1) A person who knowingly and willfully aids or assists  
438 any alien who illegally entered or reentered the United States  
439 and then entered this state in violation of s. 811.102 or s.  
440 811.103, or who connives or conspires with any person or persons  
441 to allow, procure, or allow any such alien to enter this state  
442 after illegally entering or reentering the United States in  
443 violation of s. 811.102 or s. 811.103 commits a felony of the  
444 third degree, punishable as provided in s. 775.082, s. 775.083,  
445 or s. 775.084.

446 (2) It is an affirmative defense to prosecution under this  
447 section if:

448 (a) The person is a federal, state, or local government  
449 employee working within the course and scope of his or her  
450 employment and the aid or assistance provided to an alien is

451 limited to the aid or assistance authorized by the governmental  
452 entity for which the person works; or

453 (b) The person is an agent or works for an entity under  
454 contract with a federal, state, or local government office or  
455 agency to provide services to persons, including aliens, and the  
456 aid or assistance provided to an alien is limited to the aid or  
457 assistance authorized by the government explicitly in that  
458 contract, memorandum of understanding, appendix, or other  
459 written document or direction.

460 **Section 8. Present subsection (6) of section 948.012,**  
461 **Florida Statutes, is redesignated as subsection (7), a new**  
462 **subsection (6) is added to that section, and subsection (1) of**  
463 **that section is amended, to read:**

464 948.012 Split sentence of probation or community control  
465 and imprisonment.—

466 (1) If punishment by imprisonment for a misdemeanor or a  
467 felony, except for a capital felony, is prescribed, the court  
468 may, at the time of sentencing, impose a split sentence whereby  
469 the defendant is to be placed on probation or, with respect to  
470 any such felony, into community control upon completion of any  
471 specified period of such sentence which may include a term of  
472 years or less. In such case, the court shall stay and withhold  
473 the imposition of the remainder of sentence imposed upon the  
474 defendant and direct that the defendant be placed upon probation  
475 or into community control after serving such period as may be

476 imposed by the court. Except as provided in s. 944.4731(2)(b)  
477 and subsection (7) ~~(6)~~, the period of probation or community  
478 control shall commence immediately upon the release of the  
479 defendant from incarceration, whether by parole or gain-time  
480 allowances.

481 (6)(a) Effective for offenses committed on or after March  
482 31, 2025, a defendant who is an alien as defined in s. 811.101  
483 may have any term of the defendant's probationary sentence  
484 converted to administrative probation by the Department of  
485 Corrections if:

486 1. The United States Department of Homeland Security  
487 detains the defendant upon the termination of his or her  
488 sentence of imprisonment and deports the defendant; or

489 2. The defendant agrees to return voluntarily to the  
490 defendant's country of origin or otherwise leave the United  
491 States and not return to this state unless and until the term of  
492 his or her probation expires and he or she is lawfully admitted  
493 to the United States.

494 (b) If the defendant agrees to return voluntarily to the  
495 defendant's country of origin or otherwise leave the United  
496 States in accordance with this section, the Department of  
497 Corrections shall be responsible, consistent with state and  
498 federal law, for coordinating with the defendant to arrange  
499 transportation to the defendant's country of destination and for  
500 ensuring that the defendant leaves the United States. Public

501 funds may be used to procure transportation, as necessary.  
502 Before the defendant's departure from the United States, the  
503 court exercising jurisdiction in the case shall verify in a  
504 hearing that the defendant consents to depart the United States,  
505 that such consent is knowing and voluntary, and that failure to  
506 depart for any reason will result in imprisonment for any  
507 remaining term of imprisonment to the maximum term of  
508 imprisonment that could have been imposed for the offense of  
509 conviction. The court may issue any orders, consistent with  
510 state and federal law, necessary to effectuate the defendant's  
511 voluntary departure from the United States. If a defendant  
512 returns to the United States after being deported, or after  
513 returning voluntarily to his or her country of destination under  
514 this section during the term of his or her probation, without  
515 being lawfully admitted to the United States, the defendant must  
516 be sentenced to the maximum term of imprisonment for any  
517 remaining term of imprisonment that could have been imposed for  
518 the offense of conviction. Any term of imprisonment for any  
519 subsequently committed criminal offense must run consecutively  
520 to the term of imprisonment required by this subsection.

521 (c) The Department of Corrections may adopt rules to  
522 implement this section.

523 **Section 9.** If any provision of this act or its application  
524 to any person or circumstance is held invalid, the invalidity  
525 does not affect other provisions or applications of this act

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526 | which can be given effect without the invalid provisions or  
527 | application, and to this end the provisions of this act are  
528 | severable.

529 |       **Section 10.** This act shall take effect upon becoming a  
530 | law.