

AMENDMENT OFFERED BY M. Bachus TO
THE AMENDMENT OFFERED BY MR. GOOD-
LATTE OF VIRGINIA

In lieu of the amendments proposed to be made by
the amendment on pages 101, 102, and 103 of the bill,
insert on page 105, before line 8, of the bill the following:

1 (c) PROVISIONS SUBJECT TO DELAYED EFFECTIVE
2 DATE.—Effective on January 1, 2015—

3 (1) section 275 of the Immigration and Nation-
4 ality Act (8 U.S.C. 1325) is amended to read as fol-
5 lows:

6 “ILLEGAL ENTRY OR PRESENCE

7 “SEC. 275. (a) IN GENERAL.—

8 “(1) ILLEGAL ENTRY.—An alien shall be sub-
9 ject to the penalties set forth in paragraph (2) if the
10 alien:

11 “(A) knowingly enters or crosses the bor-
12 der into the United States at any time or place
13 other than as designated by the Secretary of
14 Homeland Security;

15 “(B) knowingly eludes, at any time or
16 place, examination or inspection by an author-

1 ized immigration, customs, or agriculture offi-
2 cer (including by failing to stop at the com-
3 mand of such officer);

4 “(C) knowingly enters or crosses the bor-
5 der to the United States and, upon examination
6 or inspection, knowingly makes a false or mis-
7 leading representation or the knowing conceal-
8 ment of a material fact (including such rep-
9 resentation or concealment in the context of ar-
10 rival, reporting, entry, or clearance require-
11 ments of the customs laws, immigration laws,
12 agriculture laws, or shipping laws);

13 “(D) knowingly violates the terms or con-
14 ditions of the alien’s admission or parole into
15 the United States; or

16 “(E) knowingly is unlawfully present in the
17 United States (as defined in section
18 212(a)(9)(B)(ii) subject to the exceptions set
19 forth in section 212(a)(9)(B)(iii).

20 “(2) CRIMINAL PENALTIES.—Any alien who
21 violates any provision under paragraph (1):

22 “(A) shall, for the first violation, be fined
23 under title 18, United States Code, imprisoned
24 not more than 6 months, or both;

1 “(B) shall, for a second or subsequent vio-
2 lation, or following an order of voluntary depar-
3 ture, be fined under such title, imprisoned not
4 more than 2 years (or not more than 6 months
5 in the case of a second or subsequent violation
6 of paragraph (1)(E), or both;

7 “(C) if the violation occurred after the
8 alien had been convicted of 3 or more mis-
9 demeanors or for a felony, shall be fined under
10 such title, imprisoned not more than 10 years,
11 or both;

12 “(D) if the violation occurred after the
13 alien had been convicted of a felony for which
14 the alien received a term of imprisonment of
15 not less than 30 months, shall be fined under
16 such title, imprisoned not more than 15 years,
17 or both; and

18 “(E) if the violation occurred after the
19 alien had been convicted of a felony for which
20 the alien received a term of imprisonment of
21 not less than 60 months, such alien shall be
22 fined under such title, imprisoned not more
23 than 20 years, or both.

24 “(3) PRIOR CONVICTIONS.—The prior convic-
25 tions described in subparagraphs (C) through (E) of

1 paragraph (2) are elements of the offenses described
2 and the penalties in such subparagraphs shall apply
3 only in cases in which the conviction or convictions
4 that form the basis for the additional penalty are—

5 “(A) alleged in the indictment or informa-
6 tion; and

7 “(B) proven beyond a reasonable doubt at
8 trial or admitted by the defendant.

9 “(4) DURATION OF OFFENSE.—An offense
10 under this subsection continues until the alien is dis-
11 covered within the United States by an immigration,
12 customs, or agriculture officer.

13 “(5) ATTEMPT.—Whoever attempts to commit
14 any offense under this section shall be punished in
15 the same manner as for a completion of such of-
16 fense.

17 “(b) IMPROPER TIME OR PLACE; CIVIL PEN-
18 ALTIES.—

19 “(1) IN GENERAL.—Any alien who is appre-
20 hended while entering, attempting to enter, or know-
21 ingly crossing or attempting to cross the border to
22 the United States at a time or place other than as
23 designated by immigration officers shall be subject
24 to a civil penalty, in addition to any criminal or

1 other civil penalties that may be imposed under any
2 other provision of law, in an amount equal to—

3 “(A) not less than \$50 or more than \$250
4 for each such entry, crossing, attempted entry,
5 or attempted crossing; or

6 “(B) twice the amount specified in para-
7 graph (1) if the alien had previously been sub-
8 ject to a civil penalty under this subsection.”;
9 and

10 (2) the table of contents for the Immigration
11 and Nationality Act is amended by striking the item
12 relating to section 275 and inserting the following:

“275. Illegal entry or presence.’”.

