

# SB0090S01 compared with SB0090

~~{Omitted text}~~ shows text that was in SB0090 but was omitted in SB0090S01

inserted text shows text that was not in SB0090 but was inserted into SB0090S01

**DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.**

## 1 Unlawful Presence Criminal Enhancement Amendments

. 2025 GENERAL SESSION

. STATE OF UTAH

. **Chief Sponsor: Calvin R. Musselman**

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### 2 LONG TITLE

#### 3 General Description:

4 This bill enhances criminal penalties for a crime committed by an individual who ~~is unlawfully~~  
5 ~~present in the United States}~~ previously has been convicted of a federal unlawful reentry criminal  
offense.

#### 6 Highlighted Provisions:

7 This bill:

8 ▶ creates an enhancement for a crime committed by an individual who ~~is unlawfully present in the~~  
9 ~~United States}~~ previously has been convicted of a federal unlawful reentry criminal offense.

#### 10 Money Appropriated in this Bill:

11 None

12 None

#### 13 ENACTS:

14 **76-3-203.19** , Utah Code Annotated 1953 , Utah Code Annotated 1953

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15 *Be it enacted by the Legislature of the state of Utah:*

16 Section 1 is enacted to read:

SB0090

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- 21 76-3-203.19. Enhancement of an offense committed by an individual ~~{unlawfully present in~~  
22 ~~the United States}~~ previously convicted of a federal unlawful reentry criminal offense.
- 23 (1) If the trier of fact finds that an actor ~~{was unlawfully present in the United States at the time the~~  
24 ~~actor }~~ committed an offense and has a previous conviction for reentry of a removed alien under 8  
25 U.S.C. Sec. 1326, the actor is:
- 25 (a) guilty of:
- 26 (i) a class B misdemeanor if the actor is charged with an offense that is designated by law as a class C  
27 misdemeanor;
- 28 (ii) a class A misdemeanor if the actor is charged with an offense that is designated by law as a class B  
29 misdemeanor;
- 30 (iii) a third degree felony if the actor is charged with an offense that is designated by law as a class A  
31 misdemeanor;
- 32 (iv) a second degree felony if the actor is charged with an offense that is designated by law as a third  
33 degree felony; or
- 34 (v) a first degree felony if the actor is charged with an offense that is designated by law as a second  
35 degree felony; or
- 36 (b) subject to the penalty described in Subsection (2)(f) if the actor is charged with an offense that is  
37 designated by law as a first degree felony.
- 38 (2)
- 39 (a) If an actor is guilty of a class B misdemeanor as described in Subsection (1)(a)(i), the court shall  
40 impose a mandatory fine of no less than \$750 in addition to any other penalty the court may impose  
41 for a class B misdemeanor.
- 41 (b) If an actor is guilty of a class A misdemeanor as described in Subsection (1)(a)(ii), the court shall  
42 impose a mandatory fine of no less than \$1,000 in addition to any other penalty the court may  
43 impose for a class A misdemeanor.
- 44 (c) If an actor is guilty of a third degree felony as described in Subsection (1)(a)(iii), the court shall  
45 impose:
- 46 (i) a mandatory fine of no less than \$2,500; and
- 47 (ii) an indeterminate term of imprisonment for no less than one year and no more than five years in  
48 addition to any other penalty the court may impose for a third degree felony.

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(d) If an actor is guilty of a second degree felony as described in Subsection (1)(a)(iv), the court shall impose:

52 (i) a mandatory fine of no less than \$5,000; and

53 (ii) an indeterminate term of imprisonment for no less than two years and no more than 15 years in addition to any other penalty the court may impose for a second degree felony.

56 (e) If an actor is guilty of a first degree felony as described in Subsection (1)(a)(v), the court shall impose:

58 (i) a mandatory fine of no less than \$7,500; and

59 (ii) an indeterminate term of imprisonment that adds four years to the minimum term of the applicable sentence in addition to any other penalty the court may impose for a first degree felony.

62 (f) If an actor is guilty of a first degree felony as described in Subsection (1)(b), the court shall impose:

64 (i) a mandatory fine of no less than \$10,000; and

65 (ii) an indeterminate term of imprisonment that adds six years to the minimum term of the applicable sentence in addition to any other penalty the court may impose for a first degree felony.

68 (3) Except as otherwise provided by another provision of the Utah Code, the court may suspend the execution of an indeterminate term of imprisonment described in Subsection (2)(c)(ii), (2)(d)(ii), (2)(e)(ii), or (2)(f)(ii) in accordance with Section 77-18-105.

71 (4) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under this section.

74 Section 2. **Effective date.**

This bill takes effect on May 7, 2025.

1-22-25 9:16 AM