

Enhanced Penalties Following Unlawful Reentry Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Colin W. Jack

LONG TITLE**General Description:**

This bill creates enhanced penalties for a felony offense committed by an individual who previously has been convicted of a federal unlawful reentry criminal offense.

Highlighted Provisions:

This bill:

▸ creates enhanced penalties for a felony offense committed by an individual who previously has been convicted of a federal unlawful reentry criminal offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

76-3-203.19, Utah Code Annotated 1953

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

Section 1. Section **76-3-203.19** is enacted to read:

76-3-203.19 . Enhancement of a felony offense committed by an individual previously convicted of a federal unlawful reentry criminal offense.

(1) If the trier of fact finds that the actor committed a felony-level offense and has a previous conviction for reentry of a removed alien under 8 U.S.C. Sec. 1326, the actor is guilty of:

(a) a second degree felony if the actor is charged with an offense that is designated by law as a third degree felony;

(b) a first degree felony if the actor is charged with an offense that is designated by law as a second degree felony; or

(c) a first degree felony if the actor is charged with an offense that is designated by law as a first degree felony.

- 32 (2)(a) If an actor is guilty of a second degree felony as described in Subsection (1)(a),
33 the court shall impose any penalty that the court may impose for a second degree
34 felony.
- 35 (b) If an actor is guilty of a first degree felony as described in Subsection (1)(b), the
36 court shall impose any penalty that the court may impose for a first degree felony.
- 37 (c) If an actor is guilty of a first degree felony as described in Subsection (1)(c), the
38 court shall impose an indeterminate sentence of no less than three years in addition to
39 any other penalty that the court may impose for the first degree felony.
- 40 (3) Except for the minimum sentence described in Subsection (2)(c) or any other provision
41 of the Utah Code, the court may suspend the execution of an indeterminate term of
42 imprisonment described in Subsection (2) in accordance with Section 77-18-105.
- 43 (4) The prosecuting attorney, or the grand jury if an indictment is returned, shall include
44 notice in the information or indictment that the offense is subject to an enhancement
45 under this section.

46 Section 2. **Effective Date.**

47 This bill takes effect on May 7, 2025.