

By: Representative Eubanks

To: Judiciary B

HOUSE BILL NO. 931

1 AN ACT TO CREATE THE CRIME OF ENTRY INTO THE STATE OF
 2 MISSISSIPPI BY AN ILLEGAL ALIEN; TO DEFINE THE TERM "ILLEGAL
 3 ALIEN"; TO PROHIBIT ARRESTS OF SUSPECTED ILLEGAL ALIENS ON THE
 4 PREMISES OF CERTAIN EDUCATIONAL, RELIGIOUS AND HEALTHCARE
 5 FACILITIES; TO PRESCRIBE CRIMINAL PENALTIES FOR VIOLATIONS; TO
 6 AUTHORIZE JUDGES TO DISMISS CHARGES AGAINST CERTAIN PERSONS WHO
 7 AGREE TO RETURN TO THE FOREIGN NATION FROM WHICH THE PERSON
 8 ENTERED THE UNITED STATES; TO PROHIBIT A COURT FROM ABATING
 9 PROSECUTION OF AN OFFENSE ON THE BASIS OF A PENDING FEDERAL
 10 DETERMINATION OF A PERSON'S IMMIGRATION STATUS; AND FOR RELATED
 11 PURPOSES.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

13 **SECTION 1.** (1) For purposes of this section, the term
 14 "illegal alien" means a person not a citizen or national of the
 15 United States who enters or remains in the country unlawfully by
 16 not possessing a valid visa or other immigration documentation
 17 because the person entered the United States without inspection,
 18 stayed longer than a temporary visa permitted, or otherwise
 19 violated the terms under which the person was admitted to the
 20 United States.



21 (2) A person who is an illegal alien commits an offense if
22 the person attempts to enter or enters and is present in the State
23 of Mississippi.

24 (3) A person suspected of being or determined to be an
25 illegal alien may not be arrested or detained if the person is on
26 the premises or grounds of:

27 (a) A public or private primary or secondary school for
28 educational purposes;

29 (b) A church, synagogue or other established place of
30 religious worship;

31 (c) A health care facility or the office of a health
32 care provider if the person is on the premises or grounds of the
33 facility or office for the purpose of receiving medical treatment;
34 or

35 (d) A facility that provides forensic medical
36 examinations to sexual assault survivors if the person is on the
37 premises or grounds of the facility for purposes of obtaining a
38 forensic medical examination and treatment.

39 (4) (a) A first offense under this section is a misdemeanor
40 punishable by a fine not to exceed One Thousand Dollars
41 (\$1,000.00) or confinement in the county jail not to exceed one
42 (1) year, or both.

43 (b) A second or subsequent offense under this section
44 is a felony punishable by a fine not to exceed Ten Thousand
45 Dollars (\$10,000.00) or commitment to the custody of the



46 Mississippi Department of Corrections for a period not less than
47 two (2) years nor more than ten (10) years, or both fine and
48 commitment.

49 (5) During the initial appearance or at any time during the
50 case against a person charged with a violation of this section, a
51 judge may dismiss the charge pending against the person and issue
52 a written order requiring the person to return to the foreign
53 nation from which the person entered the United States if:

54 (a) The person agrees to the order and demonstrates to
55 the satisfaction of the court the means and feasible arrangements
56 for transportation from the State of Mississippi to the foreign
57 nation;

58 (b) The person has not been convicted of or previously
59 entered a guilty plea or plea of nolo contendere to an offense
60 under this section or obtained an order of dismissal as authorized
61 under this subsection;

62 (c) The person is not charged with another offense that
63 is a felony; and

64 (d) Before the issuance of the order, the arresting law
65 enforcement agency:

66 (i) Collects all available identifying information
67 of the person, including taking fingerprints from the person and
68 using other applicable photographic and biometric measures to
69 identify the person; and



70 (ii) Cross-references the collected information
71 with all relevant local, state and federal criminal databases and
72 federal lists or classifications used to identify a person as a
73 threat or potential threat to national security.

74 (6) On a person's conviction of or entry of a guilty plea or
75 plea of nolo contendere to an offense under this section, the
76 judge shall enter in the judgment of the case an order requiring
77 the person to return to the foreign nation from which the person
78 entered the United States. An order issued under this subsection
79 takes effect on completion of the term of confinement or
80 imprisonment imposed by the judgment.

81 (7) A court may not abate the prosecution of an offense
82 under this section on the basis that a federal determination
83 regarding the immigration status of the defendant is pending or
84 will be initiated.

85 (8) The provisions of this section are declared to be
86 severable. If any provision, word, phrase or clause of this
87 section or the application thereof to any person is held invalid,
88 the invalidity does not affect the validity of the remaining
89 portions of this section, and those remaining portions remain in
90 full force and effect.

91 **SECTION 2.** This act shall take effect and be in force from
92 and after July 1, 2024.

