

H. B. 4368

(By Delegates Walker, D. Poling, Diserio, Butcher,
Hamilton, Barill and Barker)

[Introduced February 1, 2012; referred to the
Committee on the Judiciary then Finance.]

**FISCAL
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §61-2A-1 and
§61-2A-2, all relating to creating the criminal offense of
trafficking of illegal aliens; providing definitions; and
establishing a criminal penalty.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §61-2A-1 and §61-2A-2,
all to read as follows:

ARTICLE 2A. TRAFFICKING OF ILLEGAL ALIENS.

§61-2A-1. Trafficking of illegal aliens.

Any person who engages in trafficking, by any means, or
attempts to engage in trafficking, by any means, an illegal alien
in deliberate violation of federal immigration laws is guilty of a
felony and, upon conviction thereof, shall be imprisoned in a state
correctional facility for not more than fifteen years.

1 §61-2A-2. Definitions.

2 In this article:

3 (1) "Illegal alien" means any person who is not a citizen and
4 who is present in the United States unlawfully or without the
5 country's authorization, including, but not limited to, a person
6 who has entered the country at a place other than a designated
7 port-of-entry or as result of the expiration of a nonimmigrant
8 visa.

9 (2) "Trafficking" means any method by which a person knowingly
10 recruits, entices, harbors, transports, provides or obtains by any
11 means, or attempts to recruit, entice, harbor, transport, provide
12 or obtain by any means, another person.

NOTE: The purpose of this bill is to establish the crime of trafficking of illegal aliens and to provide criminal penalties. The bill also defines terms.

This article is new; therefore, it has been completely underscored.