



HOUSE BILL 261: Sent. Enhancement/Immigration-Related Crimes.

2025-2026 General Assembly

Committee:	House Rules, Calendar, and Operations of the House	Date:	April 29, 2025
Introduced by:	Reps. N. Jackson, Balkcom, Biggs, Ward	Prepared by:	Hannah Kendrick
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *House Bill 261 would do the following:*

- *Create a sentencing enhancement for a person convicted of a felony other than a Class A felony while being unlawfully in the United States.*
- *Create a sentencing enhancement for a person convicted of a misdemeanor or felony committed while conspiring with one or more persons for the purpose of benefiting, promoting, or furthering criminal activity.*

BILL ANALYSIS:

House Bill 261 would create sentencing enhancements in certain circumstances.

Section 1 would create a sentencing enhancement for a person who is convicted of a felony, other than a Class A felony, if that person has been previously convicted of a crime relating to the reentry of removed aliens under 8 U.S.C. § 1326. That person would be guilty of a felony that is one class higher than the underlying felony. The indictment or information would be required to allege the applicable facts. The State would be required to prove the allegation beyond a reasonable doubt.

This section would also create a sentencing enhancement for a felony, other than a Class A felony, if the felony was committed while conspiring with one or more persons for the purpose of benefiting, promoting, or furthering criminal activity. A person convicted of a felony while conspiring with one or more persons for the purpose of benefiting, promoting, or further criminal activity would be sentenced at one class higher than the underlying felony. The indictment or information would be required to allege the applicable facts. The State would be required to prove the allegation beyond a reasonable doubt.

Section 2 would create a sentencing enhancement for a misdemeanor committed for the purpose of benefiting, promoting, or furthering criminal activity. A person convicted of a misdemeanor committed while conspiring with one or more persons for the purpose of benefiting, promoting, or furthering criminal activity would be sentenced at one class level higher than the underlying misdemeanor. The pleading would be required to allege the applicable facts. The State would be required to prove the allegation beyond a reasonable doubt.

EFFECTIVE DATE: This act would become effective December 1, 2025, and would apply to offenses committed on or after that date.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578