



This Bill Analysis reflects the contents of the bill as it was presented in committee.

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

2025-2026 General Assembly

<b>Committee:</b>	House Judiciary 2. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	April 29, 2025
<b>Introduced by:</b>	Reps. N. Jackson, Balkcom, Biggs, Ward	<b>Prepared by:</b>	Hannah Kendrick Staff Attorney
<b>Analysis of:</b>	PCS to First Edition H261-CSCV-23		

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for 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:**

The PCS 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 furthering 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



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Legislative Analysis  
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