

Balloon Amendment to H.B. 2350

Replace Sections 1 and 2 with the following:

Sec. 1. Human smuggling is intentionally, in exchange for anything of value:

(a) transporting or moving an alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, unless such transporting or moving is otherwise expressly permitted by federal law; or

(b) concealing, harboring, or shielding from detection an alien, knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, unless such concealing, harboring, or shielding is otherwise expressly permitted by federal law.

(c) It is not a violation of subsections (a) or (b) of this section for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(d) The determination of whether an alien is unlawfully present in the United States shall be made by the federal government, pursuant to Title 8, Section 1373(c), of the United States Code. In the enforcement of this section, no state, county, or local law enforcement officer shall attempt to independently determine whether an alien is unlawfully present in the United States. No state, county, or local law enforcement officer may consider a person's race, color, or national origin in enforcing this section.

(e) Human smuggling is a severity level 5, person felony.

(f) This section shall be part of and supplemental to the Kansas criminal code.

Section 2 (a) Aggravated human smuggling is human smuggling, as defined in section 1(a)-(b), where such human smuggling causes the individual being smuggled to become a victim of a sex offense described in article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or human trafficking as defined in K.S.A. 2022 Supp. 21-5426, and amendments thereto, or causes the person to commit selling sexual relations as defined in K.S.A. 2022 Supp. 21-6419, and amendments thereto.

(b) Aggravated human smuggling is a severity level 3, person felony.

(c) This section shall be a part of and supplemental to the Kansas criminal code.

Section 3. This act shall take effect and be in force from and after its publication in the statute book.