

HOUSE BILL NO. 5740

May 23, 2024, Introduced by Reps. Johnsen, Bezotte, Wozniak, Harris, Borton, Markkanen, Mentzer, Maddock, Kuse, Zorn, Roth, Aragona, Prestin, Beson, Rigas, Bollin, Alexander, DeBoyer, Outman, Martin, Slagh, Smit, Meerman, Bruck and Jaime Greene and referred to the Committee on Government Operations.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 409c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 409c. (1) Any individual who does any of the following is
2 guilty of a felony punishable as provided in subsection (2):

3 (a) Knowing that an individual is an alien, brings to or
4 attempts to bring the alien to the United States in any manner
5 whatsoever at a place other than a designated port of entry,
6 regardless of whether the alien has received prior official

1 authorization to come to, enter, or reside in the United States and
2 regardless of any future official action that may be taken with
3 respect to the alien.

4 (b) Knowing or in reckless disregard of the fact that an alien
5 has come to, entered, or remains in the United States in violation
6 of law, transports or moves or attempts to transport or move the
7 alien within the United States by means of transportation or
8 otherwise, in furtherance of such violation of law.

9 (c) Knowing or in reckless disregard of the fact that an alien
10 has come to, entered, or remains in the United States in violation
11 of law, conceals, harbors, or shields from detection, or attempts
12 to conceal, harbor, or shield from detection, the alien in any
13 place, including any building or any means of transportation.

14 (d) Encourages or induces an alien to come to, enter, or
15 reside in the United States, knowing or in reckless disregard of
16 the fact that the coming to, entry, or residence is or will be in
17 violation of law.

18 (e) Engages in a conspiracy to commit any of the acts
19 described under subdivisions (a) to (d).

20 (f) Aids or abets the commission of any of the acts described
21 under subdivisions (a) to (d).

22 (2) An individual who violates subsection (1) is punishable as
23 follows:

24 (a) For a violation of subsection (1)(a) or (f) or in the case
25 of a violation of subsection (1)(b), (c), or (d) in which the
26 offense was done for the purpose of commercial advantage or private
27 financial gain, imprisonment for not more than 10 years or a fine
28 of not more than \$20,000.00, or both.

29 (b) For a violation of subsection (1)(b), (c), or (d), by

1 imprisonment for not more than 5 years or a fine of not more than
2 \$10,000.00, or both.

3 (c) For of a violation of subsection (1) that results in
4 serious bodily injury to, or places in jeopardy the life of, any
5 individual, imprisonment for not more than 20 years or a fine of
6 not more than \$20,000.00, or both.

7 (d) For a violation of subsection (1) that results in the
8 death of any individual, imprisonment for life or any term of years
9 or a fine of not more than \$8,000.00, or both.

10 (3) It is not a violation of subsection (1) if an individual
11 encourages or induces an alien to come to or enter the United
12 States for a religious denomination having a bona fide nonprofit or
13 religious organization in the United States to perform the vocation
14 of a minister or missionary for the denomination or organization in
15 the United States as a volunteer who is not compensated as an
16 employee, notwithstanding the provision of room, board, travel,
17 medical assistance, and other basic living expenses, provided the
18 minister or missionary has been a member of the denomination for at
19 least 1 year.

20 (4) Except as otherwise provided in subsections (5), (6), and
21 (7), any individual who, knowing or in reckless disregard of the
22 fact that an alien has not received prior official authorization to
23 come to, enter, or reside in the United States, brings to or
24 attempts to bring to the United States in any manner whatsoever, an
25 alien, regardless of any official action which may later be taken
26 with respect to the alien is guilty of a misdemeanor punishable by
27 imprisonment for not more than 1 year or a fine of not more than
28 \$20,000.00, or both.

29 (5) If the violation of subsection (4) was committed with the

1 intent or with reason to believe that the alien unlawfully brought
2 into the United States will commit an offense against the United
3 States or any state, the violation is punishable by imprisonment
4 for not less than 3 years or more than 10 years.

5 (6) If the violation of subsection (4) was done for the
6 purpose of commercial advantage or private financial gain, the
7 violation is punishable by imprisonment for not less than 3 years
8 or more than 10 years.

9 (7) If the violation of subsection (4) included circumstances
10 in which the alien was not upon arrival immediately brought and
11 presented to an appropriate immigration officer at a designated
12 port of entry, for not more than 10 years.

13 (8) Except as provided in subsection (9), any individual who,
14 during any 12-month period, knowingly hires for employment 10 or
15 more individuals with actual knowledge that the individuals are
16 aliens is guilty of a felony punishable by imprisonment for not
17 more than 5 years or a fine of not more than \$8,000.00, or both.

18 (9) If a violation of subsection (8) involves any of the
19 following circumstances, the violation is punishable by
20 imprisonment for not more than 10 years:

21 (a) The violation was part of an ongoing commercial
22 organization or enterprise.

23 (b) The aliens were transported in groups of 10 or more.

24 (c) The aliens were transported in a manner that endangered
25 their lives.

26 (d) The aliens presented a life-threatening health risk to
27 people in the United States.