

**Senate File 315 - Introduced**

SENATE FILE 315  
BY CHAPMAN

**A BILL FOR**

1 An Act establishing the criminal offense of unlawful presence  
2 in the state, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 733.1 Unlawful presence in the  
2 state — penalty.

3 If a person who has been charged in this state with a serious  
4 misdemeanor or an aggravated misdemeanor is subsequently  
5 determined to be a nonresident alien, as defined in section  
6 9I.1, the person shall be charged with the additional offense  
7 of unlawful presence in the state, a class "D" felony.

8

EXPLANATION

9 The inclusion of this explanation does not constitute agreement with  
10 the explanation's substance by the members of the general assembly.

11 This bill establishes the criminal offense of unlawful  
12 presence in the state, and provides penalties.

13 The bill provides that if a person who has been charged  
14 in this state with a serious misdemeanor or an aggravated  
15 misdemeanor is subsequently determined to be a nonresident  
16 alien, as defined in Code section 9I.1, the person shall be  
17 charged with the additional offense of unlawful presence in the  
18 state, a class "D" felony.

19 A class "D" felony is punishable by confinement for no more  
20 than five years and a fine of at least \$750 but not more than  
21 \$7,500.