

115TH CONGRESS
2D SESSION

H. R. 5526

To amend title 18, United States Code, to provide for certain sentencing enhancements relating to illegal reentry offenses, and to clarify the manner in which sentences for such offenses are to be served, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 17, 2018

Mr. RATCLIFFE (for himself, Mr. SMITH of Texas, Mr. HENSARLING, Mr. KING of Iowa, Mr. WALKER, Mr. BIGGS, Mr. BARLETTA, Mr. BABIN, Mr. GOSAR, Mr. DUNN, Mr. WOMACK, Mr. ARRINGTON, Mr. BURGESS, and Mr. ROKITA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide for certain sentencing enhancements relating to illegal reentry offenses, and to clarify the manner in which sentences for such offenses are to be served, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Peter, Ellie, and Gray-
5 son Victims of Illegal Criminal Entry Act of 2018” or as
6 the “VOICES Act of 2018”.

1 **SEC. 2. DIRECTIVES TO THE SENTENCING COMMISSION.**

2 Pursuant to its authority under section 994(p) of title
3 28, United States Code, and in accordance with this sec-
4 tion, the United States Sentencing Commission shall re-
5 view and amend—

6 (1) its guidelines and its policy statements ap-
7 plicable to persons convicted of an offense who are
8 aliens who are not lawfully present in the United
9 States, to provide that such unlawful presence be
10 considered an aggravating factor for any Federal
11 criminal offense; and

12 (2) its guidelines and its policy statements ap-
13 plicable to persons convicted of an offense under sec-
14 tion 276 of the Immigration and Nationality Act (8
15 U.S.C. 1326) to provide that any criminal offense
16 committed after such a person unlawfully reenters,
17 attempts to reenter, or is found in the United States
18 be considered an aggravating factor with regard to
19 such offense under section 276.

20 **SEC. 3. SERVICE OF A TERM OF IMPRISONMENT FOR UN-**
21 **LAWFUL REENTRY.**

22 Section 3584 of title 18, United States Code, is
23 amended by adding at the end the following:

24 “(d) CERTAIN IMMIGRATION OFFENSES.—In the
25 case of any defendant who is convicted of an offense under

1 section 276 of the Immigration and Nationality Act (8
2 U.S.C. 1326)—

3 “(1) if that defendant has committed any other
4 offense while unlawfully present in the United
5 States, the Federal term of imprisonment for the of-
6 fense under such section 276 may not be concurrent
7 with any State term of imprisonment for such other
8 offense; and

9 “(2) no time served in a State facility or in any
10 facility other than a facility administered by the Bu-
11 reau of Prisons may be credited toward the service
12 of the term of imprisonment for the offense under
13 such section 276.”.

14 **SEC. 4. REENTRY OF REMOVED ALIENS.**

15 Section 276(b) of the Immigration and Nationality
16 Act (8 U.S.C. 1326(b)) is amended—

17 (1) in paragraph (3), by striking “or” at the
18 end;

19 (2) in paragraph (4), by striking the period at
20 the end and inserting a semicolon; and

21 (3) by inserting after paragraph (4) the fol-
22 lowing:

23 “(5) who, subsequent to removal and unlawful
24 reentry, is determined by a criminal court of com-
25 petent jurisdiction to have committed an act that re-

1 sulted in injury to another person or persons, shall
2 be fined under title 18, United States Code, and im-
3 prisoned for not less than 10 years and not more
4 than 20 years; or

5 “(6) who, subsequent to removal and unlawful
6 reentry, is determined by a criminal court of com-
7 petent jurisdiction to have committed an act that re-
8 sulted in the death of another person or persons,
9 shall be fined under title 18, United States Code,
10 and imprisoned for not less than 20 years and not
11 more than 40 years.”.

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