

# HOUSE BILL No. 1399

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-46-11.

**Synopsis:** State offense for illegal immigration. Creates the crime of unlawful presence in Indiana by an alien, a Class A misdemeanor.

**Effective:** July 1, 2025.

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**Prescott, Jeter, Lindauer, Lucas**

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January 13, 2025, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 35-46-11 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2025]:  
4           **Chapter 11. Unlawful Presence in Indiana by an Alien**  
5           **Sec. 1. As used in this chapter, "alien" has the meaning set forth**  
6 **in 8 U.S.C. 1101(a).**  
7           **Sec. 2. Except as provided in section 3 of this chapter, an alien**  
8 **who:**  
9               (1) is illegally or unlawfully present in the United States under  
10               8 U.S.C. 1182; and  
11               (2) is present in Indiana;  
12 **commits unlawful presence in Indiana by an alien, a Class A**  
13 **misdemeanor.**  
14           **Sec. 3. This chapter does not apply to an alien described in 18**  
15 **U.S.C. 922(y)(2).**

