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MEMORANDUM

To: Senate Committee on Judiciary

From: Office of Revisor of Statutes

Date: March 15, 2023

Subject: Bill Brief on HB 2350

House Bill 2350, As Amended by House Committee, creates the crimes of human smuggling and aggravated human smuggling and provides criminal penalties for violation.

The bill creates a new section of law providing that human smuggling is intentionally transporting, harboring or concealing an individual into or within Kansas when the person: (1) Knows, or should have known, that the individual is entering into or remaining in the United States illegally; (2) benefits financially or receives anything of value; and (3) knows, or should have known, that the individual being smuggled is likely to be exploited for the financial gain of another.

Aggravated human smuggling is human smuggling that: (1) Is committed using a deadly weapon or by threat of use of a deadly weapon; (2) causes bodily harm, great bodily harm or disfigurement to the individual being smuggled; or (3) causes the individual being smuggled to become a victim of a sex offense or human trafficking, or causes the person to commit the crime of selling sexual relations.

Human smuggling would be a severity level 5, person felony and aggravated human smuggling would be a severity level 3, person felony.