



NATIONAL IMMIGRATION FORUM

Summary of “Kate’s Law” (H.R. 3004)

On June 23, Rep. Bob Goodlatte (R-Virginia) introduced “Kate’s Law” ([H.R. 3004](#)), a bill that increases penalties for those charged criminally for reentry into the United States. Previous versions of Kate’s Law, named for the late [Kate Steinle](#), were introduced in the House and Senate in 2015 and 2016.

What Does H.R. 3004 Do?

H.R. 3004 increases criminal penalties for those who have reentered the United States. This bill would establish severe criminal penalties for those found to be undocumented in the United States after previously having been deported. Although reentry is already a crime that is prosecuted aggressively, H.R. 3004 would provide longer sentences for lower-level prior offenses.

H.R. 3004 makes it more difficult for those with reentry offenses to challenge their sentencing enhancements. The bill would forbid defendants from challenging previous removal orders, even where the previous order was unfair or erroneous, in tension with existing Supreme Court precedent.

H.R. 3004 expands the definition of basic terms like “crosses the border” and “removal” to apply to more individuals, including asylum seekers.

Why H.R. 3004 Is Wasteful and Unfair

H.R. 3004 is wasteful. Reentry is already a criminal offense and the federal government already devotes significant resources to criminally prosecuting those who attempt to reenter the United States after being deported. Half of all federal criminal arrests are for [immigration offenses](#). While some high-profile crimes have been committed by immigrants, immigrants are [less likely than others](#) to engage in criminal conduct. Accordingly, devoting additional precious tax dollars and resources toward increasing penalties for reentry is wasteful and does little to enhance public safety.

H.R. 3004 is unfair. By making it more difficult for defendants to challenge wrongful prior removals, H.R. 3004 raises serious constitutional concerns. Under the processes set forth in H.R. 3004, innocent people who have done no wrong will go to jail and have no way to clear themselves. By putting up legal and procedural roadblocks that prevent people with valid claims from having their day in court, miscarriages of justice are inevitable.

H.R. 3004 makes no exceptions for asylum seekers. By treating asylum seekers as unlawful entrants, the bill would lead to criminal conviction of individuals with legitimate asylum claims in contravention of American [treaty obligations](#) and [federal law](#).