

Eighteenth Knesset

Private Bill P/4359/18, proposed by MK Ofir Akunis

Proposed Amendment to the Unlawful Residency Law (Prohibition against Providing Aid) (Amendment – Increased Punishment for Providing Unlawful Lodging, Employment, or Transportation), 5772- 2012

Amendment Article 1:

1. In the *Unlawful Residency Law (Prohibition against Providing Aid) (Amended Legislation) 5756-1996*, Article I, Paragraph (2), which amends the *Entry into Israel Law 5712-1952*,

1. In Section 12a

- a) in Subsection (a), the words “two years” shall be amended to “five years”
- b) after Subsection (a), the following paragraph will be inserted:

“(1a) Without derogating from the provisions of Subsection (a) or any other legislation, a person convicted of an offense under Subsection (a) for providing lodgings to an alien resident in exchange for compensation, or for providing aid to an alien resident in obtaining lodgings in exchange for compensation, the court will order the forfeiture of said compensation or its monetary equivalent.”

- c) in Subsection (b) the words “two years” shall be amended to “five years”
- d) in Subsection (c)(1), the words “two years” shall be amended to “five years”
- e) in Subsection (c)(1a), the words “three years” shall be amended to “five years”
- f) in Subsection (e), in the definition of who is considered an “alien resident”, the following will be added to the end of the definition: “And with regards to Subsection (B) – it shall also include infiltrators as defined by the Prevention of Infiltration Law (Offenses and Adjudication), 5714-1954”

2. After Section 12a1, the following shall be inserted:

Section 12a2 – “Bonded obligation to refrain from committing an offense”

- (a) A court that convicts a person of violating one of the provisions of Section 12a, in addition to the punishment imposed, may order the individual to undertake a bonded obligation to refrain from committing the same offense for a period that shall be determined by the court and will not exceed three years.
- (b) If the court determined that the accused committed an offense but did not to convict him/her, it may still order the individual to undertake a bonded obligation to refrain from committing the same offense for a period that shall be determined by the court and will not exceed one year.
- (c) Said bonded obligation shall be set at an amount that will not exceed the maximum fine prescribed by law for said offense and will not be less than 500,000 NIS, and this obligation may be given with or without guarantors, all according to the court's order.

Section 12a3 -- Collection of the bonded obligation

If a person, who has undertaken a bonded obligation to refrain from committing an offense under Section 12a2, and was later convicted by the court of committing that offense, or was found by the court to have committed said offense though the court decided not to convict this person, the court will order the individual to pay the amount of the bond; if said individual does not pay the bond, the bond will take on the legal status of a court-ordered fine, with all the incumbent provisions of Articles 66 through 70 of the Israeli Penal Code, 5737-1977.

2. Amendment to the *Center for the Collection of Fines, Fees, and Expenses Law*

In the *Center for the Collection of Fines, Fees, and Expenses Law, 5755–1995*, in Article 1, in the definition of a “debt”, the following will be added after Paragraph (5a):

(5a1) These include the bonded obligation to refrain from committing an offense, as explained in Paragraph 12a2 of the *Entry into Israel Law, 5712-1952*, and the collateral guarantee (if given), and only in the case where there are grounds to collect these according to Article 12a3 of that law.

Explanatory Notes

The *Unlawful Residency Law (Prohibition against Providing Aid) (Temporary Provisions) 5756 – 1996* amends the *Entry into Israel Law, 5712 -1952*. The *Entry into Israel Law* regulates the entry of individuals into Israeli territory and imposes prison sentences or fines for those who violate the law by employing, providing lodging to, or transporting foreign residents staying in Israel unlawfully.

The purpose of the proposed legislation is to make the punishment more severe for Israeli residents who provide aid to illegal residents living in the area (excluding Israelis, as defined by the *Law Extending the Validity of Emergency Regulations*), or to infiltrators, as defined by the *Prevention of Infiltration Law*, where such aid enables them to earn money and to obtain lodgings in Israel.

The phenomenon of illegal residents, including infiltrators seeking work, who are entering Israel illegally, has become a daily occurrence that could pose a strategic threat to Israeli society, especially in disadvantaged neighborhoods.

Israel courts have issued only minor sentences and fines against those who have been caught employing and providing lodging to illegal residents, and there is room for increased enforcement – an employer who violates criminal law, endangers the lives of others, and violates employment law deserves a more severe punishment.

Submitted to the Speaker of the Knesset and his deputies
and tabled in the Knesset on
14 Sivan 5772 – June 4, 2012