

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**Assembly Concurrent Resolution**

**No. 24**

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**Introduced by Assembly Member Blakeslee  
(Principal coauthor: Assembly Member Benoit)  
(Coauthors: Assembly Members Karnette, Ma, Nakanishi, Parra,  
and Solorio)  
(Coauthor: Senator Harman)**

February 20, 2007

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Assembly Concurrent Resolution No. 24—Relative to correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

ACR 24, as amended, Blakeslee. Correctional facilities: reimbursement.

This measure would urge the Governor and the Attorney General to institute an action in the federal District Court for the Eastern District of California to compel the federal Bureau of Justice Assistance to reimburse the State of California for all costs of ~~housing~~ *incarcerating* undocumented foreign nationals, as required by federal law.

Fiscal committee: yes.

- 1 WHEREAS, Immigration policy and controlling our nation's
- 2 borders are clear, fundamental responsibilities of the federal
- 3 government; and
- 4 WHEREAS, The federal government has failed to discharge its
- 5 fundamental responsibilities, and, as a consequence, high impact
- 6 states like California face extraordinary costs associated with
- 7 incarcerating undocumented foreign nationals; and

1 WHEREAS, The State Criminal Alien Assistance Program  
2 (SCAAP), governed by the federal Immigration and Nationality  
3 Act, requires the federal government to reimburse the State of  
4 California and local government for the costs of incarcerating  
5 undocumented foreign nationals; and

6 WHEREAS, SCAAP provides federal payments to states and  
7 localities that incurred costs for incarcerating criminals who were  
8 born outside the United States or one of its territories and had no  
9 reported or documented claim to United States citizenship, had at  
10 least one felony or two misdemeanor convictions for violations of  
11 state or local law, and who are incarcerated for at least four  
12 consecutive days during the reporting period; and

13 WHEREAS, The United States Department of Justice through  
14 the Bureau of Justice Assistance (BJA) administers SCAAP, in  
15 conjunction with the Bureau of Immigration and Customs  
16 Enforcement, Department of Homeland Security; and

17 WHEREAS, The annual cost of incarcerating an inmate at a  
18 state prison is now \$43,287, according to statistics from the  
19 Legislative Analyst's Office; and

20 WHEREAS, For the last reporting period by the BJA, the State  
21 of California received \$85,953,191 in reimbursement for 30,646  
22 qualified and suspected inmates, a return of \$2,805 per inmate;  
23 and

24 WHEREAS, Much of the incarcerating costs are borne by  
25 counties, most of which traditionally operate with slim budgets  
26 and staffing; and

27 WHEREAS, For the last reporting period by the BJA, counties  
28 and cities in California received \$35,157,447 in reimbursement  
29 for 61,068 qualified and suspected inmates, a return of \$576 per  
30 inmate; and

31 WHEREAS, Over the previous three-year period the BJA has  
32 failed to reimburse the State of California, its counties and its cities  
33 an estimated \$7,927,096,951 for costs associated with the  
34 incarceration of undocumented foreign nationals; and

35 WHEREAS, The federal government has not met its national  
36 immigration policy obligations or adequately compensated the  
37 State of California or its local governments for the costs of ~~housing~~  
38 *incarcerating* undocumented foreign nationals in its prisons and  
39 jails; now, therefore, be it

1     *Resolved by the Assembly of the State of California, the Senate*  
2 *thereof concurring,* That the Legislature hereby urges the Governor  
3 and the Attorney General of the State of California to institute an  
4 action in federal District Court for the Eastern District of California  
5 to compel the BJA to reimburse the State of California for all costs  
6 of housing undocumented foreign nationals; and be it further  
7     *Resolved,* That the Chief Clerk of the Assembly transmit copies  
8 of this resolution to the author for appropriate distribution.

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