

AMENDED IN ASSEMBLY MAY 10, 2007
AMENDED IN ASSEMBLY MARCH 22, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

Assembly Concurrent Resolution

No. 24

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

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~~ *to demand* the federal Bureau of Justice Assistance to reimburse the State of California for all costs of 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

1 WHEREAS, The federal government has failed to discharge its
2 fundamental responsibilities, and, as a consequence, high-impact
3 states like California face extraordinary costs associated with
4 incarcerating undocumented foreign nationals; and

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

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

17 WHEREAS, The United States Department of Justice through
18 the Bureau of Justice Assistance (BJA) administers SCAAP, in
19 conjunction with the Bureau of Immigration and Customs
20 Enforcement, Department of Homeland Security; and

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

24 WHEREAS, For the last reporting period by the BJA, the State
25 of California received \$85,953,191 in reimbursement for 30,646
26 ~~qualified and suspected~~ *eligible* inmates, a return of \$2,805 per
27 inmate; and

28 WHEREAS, Much of the incarcerating costs are borne by
29 counties, most of which traditionally operate with slim budgets
30 and staffing; and

31 WHEREAS, For the last reporting period by the BJA, counties
32 and cities in California received \$35,157,447 in reimbursement
33 for 61,068 ~~qualified and suspected~~ *eligible* inmates, a return of
34 \$576 per inmate; and

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

39 WHEREAS, The federal government has not met its national
40 immigration policy obligations or adequately compensated the

1 State of California or its local governments for the costs of
2 incarcerating undocumented foreign nationals in its prisons and
3 jails; now, therefore, be it

4 *Resolved by the Assembly of the State of California, the Senate*
5 *thereof concurring,* That the Legislature hereby urges the Governor
6 *to demand* ~~and the Attorney General of the State of California to~~
7 ~~institute an action in federal District Court for the Eastern District~~
8 ~~of California to compel~~ the BJA to reimburse the State of California
9 for all costs of ~~housing~~ *incarcerating* undocumented foreign
10 nationals; and be it further

11 *Resolved,* That the Chief Clerk of the Assembly transmit copies
12 of this resolution to the author for appropriate distribution.