

AMENDED IN ASSEMBLY MAY 30, 2007

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 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
- 4 WHEREAS, The federal government has failed to discharge its
- 5 fundamental responsibilities, and, as a consequence, high-impact

1 states like California face extraordinary costs associated with
2 incarcerating undocumented foreign nationals; and

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

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

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

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

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

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

28 WHEREAS, For the last reporting period by the BJA, counties
29 and cities in California received \$35,157,447 in reimbursement
30 for 61,068 eligible inmates, a return of \$576 per 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~~ *Despite the*
35 *continued increasing costs associated with the incarceration of*
36 *undocumented foreign nationals, no funds are provided for SCAAP,*
37 *for the purposes of assisting states, in the President's 2007-08*
38 *budget request; 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 the BJA to reimburse the State of California for all costs
7 of incarcerating undocumented foreign nationals; and be it further

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

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