

Assembly Concurrent Resolution No. 140

RESOLUTION CHAPTER 49

Assembly Concurrent Resolution No. 140—Relative to incarceration.

[Filed with Secretary of State July 6, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

ACR 140, Adams. Undocumented foreign nationals: incarceration: reimbursement.

This measure would urge the Governor to demand that the federal Bureau of Justice Assistance reimburse the State of California for all costs of incarcerating undocumented foreign nationals.

WHEREAS, Immigration policy and controlling our nation's borders are clear, fundamental responsibilities of the federal government; and

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

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

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

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

WHEREAS, The annual cost of incarcerating an inmate at a state prison is now \$51,670, according to statistics from the Legislative Analyst's Office; and

WHEREAS, For the last reporting period by the BJA, the State of California received \$118,030,160 in reimbursement for 32,806 eligible inmates, a return of \$3,598 per inmate; and

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

WHEREAS, For the last reporting period by the BJA, counties and cities in California received \$43,717,418 in reimbursement for 66,386 eligible inmates, a return of \$659 per inmate; and

WHEREAS, Despite the continued increasing costs associated with the incarceration of undocumented foreign nationals, no funds are provided for SCAAP, for the purposes of assisting states, in the President's 2010 budget request; and

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

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature hereby urges the Governor to demand that the BJA reimburse the State of California for all costs of incarcerating undocumented foreign nationals; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.