

Assembly Concurrent Resolution

No. 140

Introduced by Assembly Member Adams

February 25, 2010

Assembly Concurrent Resolution No. 140—Relative to incarceration.

LEGISLATIVE COUNSEL’S DIGEST

ACR 140, as introduced, 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.

Fiscal committee: no.

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

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

13 WHEREAS, SCAAP provides federal payments to states and
14 localities that incur costs for incarcerating criminals who were
15 born outside the United States or one of its territories and have no

1 reported or documented claim to United States citizenship, who
2 have at least one felony or two misdemeanor convictions for
3 violations of state or local law, and who are incarcerated for at
4 least four consecutive days during the reporting period; and

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

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

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

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

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

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

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

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

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