

AMENDED IN SENATE JUNE 22, 2009

Senate Joint Resolution

No. 12

**Introduced by Senators Benoit, Aanestad, Ashburn, Cogdill, Cox,
Dutton, Harman, Hollingsworth, Huff, Maldonado, Runner,
Strickland, Walters, and Wyland**

(Coauthor: Senator Ducheny)

**(Coauthors: Assembly Members Conway, Cook, Gaines, Jeffries,
Knight, Niello, and Silva)**

June 1, 2009

Senate Joint Resolution No. 12—Relative to criminal aliens.

LEGISLATIVE COUNSEL'S DIGEST

SJR 12, as amended, Benoit. Criminal aliens.

This measure would urge Congress and the President to restore funding for the State Criminal Alien Assistance Program.

Fiscal committee: no.

1 WHEREAS, The federal government has a legal and moral
2 obligation to keep our borders secure and, if it does not, it should
3 pay the state the full cost of incarcerating undocumented criminal
4 aliens; and
5 WHEREAS, Federal law states that when a chief executive
6 officer of a state submits a written request to the United States
7 Attorney General for reimbursement the Attorney General will
8 either enter into a contractual arrangement that provides for
9 compensation to the state to incarcerate the undocumented criminal
10 alien or take the undocumented criminal alien into the custody of
11 the federal government (8 U.S.C. Sec. 1231) government (8 U.S.C.
12 Sec. 1231); and

1 WHEREAS, The State Criminal Alien Assistance Program was
2 created in 1994 for the purpose of reimbursing states for the costs
3 of incarcerating undocumented criminal aliens; and

4 WHEREAS, Federal law provides that the State Criminal Alien
5 Assistance Program provide federal payments to states and
6 localities that incur costs for incarcerating undocumented criminal
7 aliens; and

8 WHEREAS, Twelve percent of California's current prison
9 population is composed of undocumented criminal aliens, with
10 each inmate costing the state \$48,536 each year; and

11 WHEREAS, In fiscal year 2008–09, it cost the State of California
12 over \$970 million to house undocumented criminal aliens; and

13 WHEREAS, In fiscal year 2008–09 the State of California was
14 reimbursed only \$111 million from the State Criminal Alien
15 Assistance Program, making up only 11 percent of the total cost
16 to house these undocumented criminal aliens; and

17 WHEREAS, The President of United States recently announced
18 his intention to eliminate funding for the State Criminal Alien
19 Assistance Program in fiscal year 2010; now, therefore, be it

20 *Resolved by the Senate and the Assembly of the State of*
21 *California, jointly,* That the Legislature respectfully urges Congress
22 and the President to restore funding for the State Criminal Alien
23 Assistance Program; and be it further

24 *Resolved,* That the Legislature urges Congress and the President
25 to adequately fund the State Criminal Alien Assistance Program
26 to fully reimburse states for the full cost of incarcerating
27 undocumented criminal aliens; and be it further

28 *Resolved,* That the Secretary of the Senate transmit copies of
29 this resolution to the President and Vice President of the United
30 States, to the Speaker of the House of Representatives, to the
31 Majority Leader of the Senate, and to each Senator and
32 Representative from California in the Congress of the United
33 States.