

AMENDED IN SENATE JUNE 30, 2009

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 *Blumenfeld*, 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); 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 *these* undocumented criminal aliens;
13 and

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

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

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

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

29 *Resolved*, That the Secretary of the Senate transmit copies of
30 this resolution to the President and Vice President of the United
31 States, to the Speaker of the House of Representatives, to the
32 Majority Leader of the Senate, and to each Senator and

1 Representative from California in the Congress of the United
2 States.

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5 **CORRECTIONS:**

6 **Heading—Coauthors—Lines 5, 6, 7.**

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