

Assembly Joint Resolution

No. 38

Introduced by Assembly Member Donnelly

(Coauthors: Assembly Members Conway, Cook, Beth Gaines, Garrick, Grove, Hagman, Halderman, Harkey, Jones, Knight, Mansoor, Nestande, Nielsen, Valadao, and Wagner)

(Coauthors: Senators Anderson, Gaines, Huff, and Runner)

May 7, 2012

Assembly Joint Resolution No. 38—Relative to undocumented criminals.

LEGISLATIVE COUNSEL’S DIGEST

AJR 38, as introduced, Donnelly. Undocumented criminals.

This measure would urge Congress and the President to restore full funding for the State Criminal Alien Assistance Program and to fully reimburse states for the cost of incarcerating undocumented criminals.

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 criminals;
4 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
10 criminals or take the undocumented criminals into the custody of
11 the federal government (8 U.S.C. Sec. 1231); and

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

8 WHEREAS, There are almost 16,250 self-reported
9 undocumented criminals in the California prison system; and

10 WHEREAS, In the 2010–11 fiscal year, the cost per incarcerated
11 individual in California was \$56,000 each year; and

12 WHEREAS, In the 2010–11 fiscal year, it cost the State of
13 California over \$910 million to house these undocumented
14 criminals; and

15 WHEREAS, In the 2010–11 fiscal year, the State of California
16 was reimbursed from the State Criminal Alien Assistance Program
17 in an amount equal to only 10 cents for every dollar spent to house
18 these undocumented criminals; now, therefore, be it

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

23 *Resolved*, That the Legislature urges Congress and the President
24 to adequately fund the State Criminal Alien Assistance Program
25 to fully reimburse states for the cost of incarcerating undocumented
26 criminals, and to ensure that the State of California receives
27 reimbursement for every dollar spent to incarcerate undocumented
28 criminals within the California prison system; and be it further

29 *Resolved*, That the Speaker of the Assembly 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
33 Representative from California in the Congress of the United
34 States.

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