

**First Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. R07-0802.01 Jane Ritter

**HR07-1008**

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**HOUSE SPONSORSHIP**

**McFadyen,** and Weissmann

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**House Committees**

State, Veterans, & Military Affairs

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**HOUSE RESOLUTION 07-1008**

101      **CONCERNING FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH**  
102                   **INCARCERATION OF UNDOCUMENTED FOREIGN NATIONALS IN**  
103                   **COLORADO.**

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1                   WHEREAS, Establishing immigration policy and controlling the  
2 nation's 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 states  
6 like Colorado face extraordinary costs associated with incarcerating  
7 undocumented foreign nationals; and

8                   WHEREAS, The State Criminal Alien Assistance Program  
9 ("SCAAP"), governed by the federal "Immigration and Nationality Act  
10 of 1990", 8 U.S.C. sec. 1231 (i), requires the federal government to  
11 reimburse the state of Colorado and local governments for costs  
12 associated with incarcerating undocumented foreign nationals; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

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

8           WHEREAS, The Bureau of Justice Assistance in the United States  
9 Department of Justice administers SCAAP, in conjunction with the  
10 Bureau of Immigration and Customs Enforcement in the United States  
11 Department of Homeland Security; and

12           WHEREAS, The average annual cost of incarcerating an inmate  
13 in a Colorado state prison is now \$27,587, according to statistics from the  
14 Colorado Department of Corrections; and

15           WHEREAS, More than 1,560 legal and illegal foreign-born  
16 inmates were incarcerated in Colorado facilities during the last fiscal  
17 year, resulting in a total cost of incarceration for legal and illegal  
18 foreign-born inmates of more than \$43,000,000; and

19           WHEREAS, Approximately 1,000 persons were incarcerated with  
20 detainers from the Bureau of Immigration and Customs Enforcement,  
21 yielding a total cost of incarceration for those inmates of approximately  
22 \$27,560,000; and

23           WHEREAS, For fiscal year 2005, the most recent reporting period  
24 by the Bureau of Justice Assistance, the state of Colorado received  
25 approximately \$2,350,000 from reimbursement applications for some  
26 1,720 qualified and suspected inmates, a return of approximately \$1,370  
27 per inmate; and

28           WHEREAS, Much of the cost associated with incarceration is  
29 borne by counties, most of which traditionally operate with slim budgets  
30 and staffing; and

31           WHEREAS, Over the previous three-year period, the Bureau of  
32 Justice Assistance has failed to reimburse the state of Colorado, its  
33 counties, and its cities an estimated \$119,580,000 for costs associated  
34 with the incarceration of undocumented foreign nationals; and

35           WHEREAS, During the 2005 legislative session, the Colorado  
36 General Assembly enacted section 17-1-107.5, Colorado Revised  
37 Statutes, requiring the governor to submit to the United States attorney  
38 general information concerning the costs of incarcerating undocumented  
39 criminal aliens as an attempt to prompt the federal government to provide  
40 appropriate assistance to the state to reimburse for these costs; and

41           WHEREAS, The federal government has not met its national  
42 immigration policy obligations or adequately compensated the state of  
43 Colorado or its local governments for the costs associated with the  
44 incarceration of undocumented foreign nationals; now, therefore,

1           *Be It Resolved by the House of Representatives of the Sixty-sixth*  
2           *General Assembly of the State of Colorado:*

3           That the Colorado House of Representatives hereby urges the  
4           Governor and the Attorney General of the state of Colorado to institute  
5           an action in federal district court to compel the Bureau of Justice  
6           Assistance to reimburse the state of Colorado for all costs associated with  
7           the incarceration of undocumented foreign nationals.

8           *Be It Further Resolved,* That copies of this Resolution be sent to  
9           President George W. Bush, Governor Bill Ritter, Jr., the United States  
10          Attorney General, the Colorado Attorney General, each member of  
11          Colorado's Congressional delegation, the Majority Leader of the Senate  
12          of the United States, the Speaker of the United States House of  
13          Representatives, the Chairs of the Appropriations Committees for the  
14          United States Senate and the House of Representatives, the Chairs of the  
15          Homeland Security Committees for the United States Senate and the  
16          House of Representatives, the director of the Colorado Department of  
17          Corrections, and the President of the Colorado Sheriffs' Association.