

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

ENGROSSED

LLS NO. R07-0802.01 Jane Ritter

HR07-1008

HOUSE SPONSORSHIP

McFadyen, and Weissmann

House Committees

State, Veterans, & Military Affairs

HOUSE RESOLUTION 07-1008

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

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.

HOUSE
Amended Final Rdg.
March 19, 2007

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 and local governments for
7 all costs associated with the incarceration of undocumented foreign
8 nationals.

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