



1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327-7500

Facsimile
916.441.5507

STATE CRIMINAL ALIEN ASSISTANCE PROGRAM

REQUESTED ACTION: Fund the State Criminal Alien Assistance Program (SCAAP) at its fully authorized level of \$950 million in fiscal year 2011. In addition, seek approval of legislation (HR 1314/S 168) that would allow jurisdictions to be reimbursed for the costs associated with the incarceration of undocumented immigrants that are convicted *and accused* of certain crimes. Finally, protect and increase funding for the Southwest Border Prosecution Initiative.

BACKGROUND: The SCAAP program, first authorized by the Immigration and Nationality Act of 1990 and amended by the 1994 Crime Act, partially reimburses states and localities for the costs of incarcerating undocumented criminals. Specifically, the program provides federal assistance to states and local agencies to do the following: (1) offset the costs incurred for the imprisonment of undocumented criminals who are convicted of felony offenses or two or more misdemeanors; (2) better identify undocumented individuals; and (3) expedite the process of transferring undocumented criminals from state and local correctional facilities to federal custody in preparation for deportation.

In fiscal year 2009, the State of California received roughly \$112.5 million in SCAAP funding, with the state's counties receiving over \$46.6 million. This combined \$159 million represents over 40 percent of the funds allocated nationwide.

Although California receives a significant portion of overall SCAAP dollars, the program remains greatly underfunded by Congress. By way of illustration, the State of California and its counties spend over \$1 billion annually to incarcerate undocumented criminals while the total nationwide appropriation for SCAAP is only \$330 million. The fiscal year 2010 funding level represents a \$70 million cut from fiscal year 2009 spending.

In other developments, legislation has been introduced in both the House and Senate that would have the effect of boosting SCAAP awards to California's counties, which are responsible for housing pre-trial offenders. Specifically, the bills (HR 1314, Representative Linda Sánchez (D-CA)/S 168, Senator Dianne Feinstein (D-CA)) would modify the SCAAP program so that jurisdictions receive reimbursement for the costs associated with housing undocumented individuals regardless of when or if the individual is convicted.

For its part, CSAC continues to partner with statewide county associations in other states in an effort to generate additional support for the SCAAP program. As a result of CSAC's efforts, over a dozen other state associations of counties have become active in advocating for SCAAP funding.

Contacts: Joe Krahn, Waterman & Associates, (202) 898-1444
Elizabeth Howard, CSAC, (916) 650-8131
Rosemary Lamb, CSAC, (916) 650-8116