STATE OF CONNECTICUT

QUI TRANSTULIT SUSTINET

General Assembly   *Amendment*

January Session, 2021   LCO No. **8080**

SB00753 08080 SDO

Offered by:
    SEN. FLEXER, 29th Dist.
    SEN. SAMPSON, 16th Dist.
    REP. FOX, 148th Dist.
    REP. MASTROFRANCESCO, 80th Dist.

To: Subst. Senate Bill No. **753**   File No. 448   Cal. No. 274

"AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS."

1   Strike everything after the enacting clause and substitute the
2   following in lieu thereof:

3   "Section 1. (NEW) (*Effective from passage*) (a) (1) Except as provided in
4   subdivision (2) of this subsection, on or before the thirtieth day of June
5   in 2021, and thereafter on or before the first day of May in each year in
6   which the decennial census of the United States is taken and in which
7   the United States Census Bureau counts any incarcerated individual as
8   a resident of the town in which such incarcerated individual's respective
9   correctional facility is located, the Department of Correction shall
10   deliver to the Secretary of the Office of Policy and Management in such
11   form as the secretary shall prescribe:

12   (A) A unique identifier for each incarcerated individual subject to the

13   jurisdiction of the department on the date for which the decennial
14   census reports population;

15   (B) The street address of the correctional facility in which such
16   individual was incarcerated at the time of such report;

17   (C) The residential or other address of such individual prior to
18   incarceration;

19   (D) An indication of whether such individual has attained the age of
20   eighteen years;

21   (E) Such individual's race and whether such individual is of Hispanic
22   or Latino origin, if known; and

23   (F) Any additional information the secretary may request pursuant
24   to law.

25   (2) In the case of each incarcerated individual who is serving a
26   sentence of life imprisonment without the possibility of release, the
27   Department of Correction shall not deliver to the Secretary of the Office
28   of Policy and Management the information described in subparagraph
29   (C) of subdivision (1) of this subsection.

30   (3) Notwithstanding any provision of the general statutes, the
31   information required to be provided under this subsection shall not
32   include the name of any incarcerated individual or in any other way
33   allow for the identification of any such individual from such
34   information. Such information shall be confidential and not otherwise
35   disclosed, except to the secretary for the purposes of subsection (c) of
36   this section, or as aggregated by census block for the purposes of
37   subsection (d) of this section.

38   (b) (1) Except as provided in subdivision (2) of this subsection, on or
39   before the thirtieth day of June in 2021, and thereafter on or before the
40   first day of May in each year in which the decennial census of the United
41   States is taken and in which the United States Census Bureau counts any
42   incarcerated individual as a resident of the town in which such

43 incarcerated individual's respective correctional facility is located, the
44 Secretary of the Office of Policy and Management shall request each
45 agency that operates a federal correctional facility in this state to provide
46 the secretary with a report including the information listed in
47 subdivision (1) of subsection (a) of this section.

48 (2) In the case of each incarcerated individual who is serving a
49 sentence of life imprisonment without the possibility of release, the
50 Secretary of the Office of Policy and Management shall not request of
51 any agency that operates a federal correctional facility in this state that
52 such agency provide the secretary with the information described in
53 subparagraph (C) of subdivision (1) of subsection (a) of this section.

54 (c) (1) Except as provided in subdivision (4) of this subsection, for
55 each individual included in a report received under subsection (a) or (b)
56 of this section, the Secretary of the Office of Policy and Management
57 shall determine the geographic units for which population counts are
58 reported in the decennial census of the United States, which units
59 contain the address of the facility in which such individual was
60 incarcerated, and such individual's prior residential or other address as
61 listed in such report.

62 (2) Except as provided in subdivision (4) of this subsection, for each
63 individual included in a report received under subsection (a) or (b) of
64 this section, if such individual's prior residential or other address is
65 known and in this state, the secretary shall adjust such information to:

66 (A) Ensure that all relevant population counts reported in the
67 decennial census are as if such individual resided at such address on the
68 date for which the census reports population; and

69 (B) Ensure that such individual is not represented in any applicable
70 population count reported in the decennial census for the geographic
71 units that include the facility in which such individual was incarcerated
72 on the date for which the census reports population, unless such
73 individual's prior residential or other address is located within the same
74 such geographic units.

75   (3) Except as provided in subdivision (4) of this subsection, for each
76   individual included in a report received under subsection (a) or (b) of
77   this section whose residential or other address is unknown or not in this
78   state, and for each individual reported in the decennial census as
79   residing in a federal correctional facility for whom a report was not
80   provided, the secretary shall adjust such information to:

81   (A) Ensure that such individual is not represented in any applicable
82   population count reported in the decennial census for the geographic
83   units that include the facility in which such individual was incarcerated
84   on the date for which the census reports population; and

85   (B) Ensure that such individual is counted as part of a state unit not
86   tied to a specific geographical location, in the same manner that an
87   individual with an unknown state of residency is counted, including,
88   but not limited to, military and federal government personnel stationed
89   abroad.

90   (4) For each individual included in a report received under subsection
91   (a) or (b) of this section who is serving a sentence of life imprisonment
92   without the possibility of release, the secretary shall not adjust such
93   information and shall ensure that such individual is represented in the
94   applicable population count reported in the decennial census for the
95   geographic units that include the facility in which such individual was
96   incarcerated on the date for which the census reports population.

97   (d) The Secretary of the Office of Policy and Management shall
98   prepare and publish such information, both adjusted and unadjusted,
99   pursuant to subsection (c) of this section on or before either the first day
100 of July next following the year in which the decennial census of the
101 United States is taken or the thirtieth day after the publication of the
102 redistricting data for this state by the United States Census Bureau in
103 such year, whichever is later, and such adjusted and unadjusted
104 information shall be the basis for determining state assembly and
105 senatorial districts, as well as municipal voting districts. No residence at
106 an unknown geographical location within the state under subdivision

107   (3) of subsection (c) of this section may be used to determine the average

108   population of any set of districts. The secretary shall notify each

109   municipality that the adjusted and unadjusted information shall be used

110   for the purposes of determining municipal voting districts.

111   (e) The Department of Correction shall (1) determine the residential

112   or other address of each individual who is committed to the custody of

113   the department as of or after January 1, 2020, and decennially thereafter,

114   and who remains so committed on the date for which the census reports

115   population, and (2) maintain an electronic record of such address. Such

116   record shall contain, at a minimum, the last-known residential or other

117   address of each such individual prior to incarceration."

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	New section