STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

AN ACT

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Senators Metts, and Pichardo

Date Introduced: January 24, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND GOVERNMENT" is hereby amended by adding thereto the following chapter:

CHAPTER 155

RESIDENCE OF THOSE IN GOVERNMENT CUSTODY ACT

42-155-1. Title. – This chapter shall be known and may be cited as the “Residence of Those in Government Custody Act.”

42-155-2. Legislative Purpose. – The purpose of this act is to ensure that persons in government custody within the state are counted at their actual residence for redistricting purposes.

42-155-3. Residence of persons in government custody – Collecting addresses. – The department of corrections shall collect and maintain an electronic record of the proper residential address, presumptively outside of the facility, for all people entering its custody after January 1, 2013. At a minimum, this record should contain the last known complete street address prior to incarceration, their race, whether the person is of hispanic or latino origin, and whether the person is over the age of eighteen (18) and to the degree possible, should allow an alternative proper residential address to be updated as appropriate.

42-155-4. Residence of persons in government custody – Reports to the General Assembly. – (a) In each year in which the federal decennial census is taken, but in which the United States Bureau of the Census counts incarcerated persons as residents of correctional
facilities, each state agency that operates a facility for the incarceration of persons convicted of a criminal offense, including mental health institutions or that places any person convicted of a criminal offense in a private facility to be incarcerated on behalf of the state agency, shall, by May 1st of that same year, or within seven (7) days of the date this chapter takes effect, whichever is later, deliver to the general assembly:

(1) A unique identifier, not including the name, for each incarcerated person subject to the jurisdiction of the department on the date for which the decennial census reports population;

(2) The street address of the correctional facility in which such person was incarcerated at the time of such report;

(3) The residential address of such person prior to incarceration or other proper residential address (if known);

(4) The person’s race, whether the person is of hispanic or latino origin, and whether the person is over the age of eighteen (18) (if known);

(5) Any additional information as the general assembly may request pursuant to law.

(b) The department shall provide the information specified in subsection (a) of this section in such form as the general assembly shall specify.

(c) Notwithstanding any other provision of law, the information required to be provided pursuant to this subsection shall not include the name of any incarcerated person and shall not allow for the identification of any such person therefrom. The same shall be treated as confidential and shall not otherwise be disclosed except as aggregated by census block for purposes specified in section 42-155-7.

42-155-5. Residence of persons in government custody – Federal facilities. – The general assembly shall request each agency that operates a federal facility in this state that incarcerates persons convicted of a criminal offense to provide the general assembly with a report including the information listed in subsection 42-155-4(a).

42-155-6. Residence of persons in government custody – Adjustments by the General Assembly. – (a) For each person included in a report received under sections 42-155-4 and 42-155-5, the general assembly shall determine the geographic units for which population counts are reported in the federal decennial census that contain the address of the facility of incarceration and the proper residential address as listed according to the report.

(b) For each person included in a report received under sections 42-155-4 and 42-155-5, if the proper residential address is known and in this state, the general assembly shall:

(1) Adjust all relevant population counts reported in the census as if the person resided at that address on the day for which the census reports population.
(2) Ensure that the person is not represented in any applicable population counts reported in the federal decennial census for the geographic units that include the facility at which the person was incarcerated on the day for which the census reports population.

(c) For each person included in a report received under sections 42-155-4 and 42-155-5 and for all persons reported in the census as residing in a federal correctional facility for whom a report was not provided, if the proper residential address is unknown or not in this state, the general assembly shall:

(1) Adjust all relevant population counts reported in the census as if the person resided at an unknown geographic location within the state on the day for which the census reports population.

(2) Ensure that the person is not represented in any applicable population counts reported in the federal decennial census for the geographic units that include the facility at which the person was incarcerated on the day for which the census reports population.

42-155-7. Residence of persons in government custody – Requiring use of data in redistricting. – The adjusted data prepared by the general assembly in section 42-155-6 shall be the basis of state house and senate districts, and all county, municipal and other local government districts that are based on population. Residences at unknown geographic locations within the state under subsection 42-155-6(c) shall not be used to determine the average population of any set of districts, wards, or precincts.

42-155-8. Residence of persons in government custody – Severability. – If any provision of this chapter or the application of any provision of this chapter to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the chapter that can be given effect without the invalid provision or application, and for this purpose the provisions of this chapter are severable.

SECTION 2. This act shall take effect upon passage.
EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO STATE AFFAIRS AND GOVERNMENT

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This act would create the Residence of Those in Government Custody Act in order to ensure that persons in government custody are counted at their actual residence for redistricting purposes.

This act would take effect upon passage.

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