

2010 -- S 2452

LC01398

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO GENERAL ASSEMBLY - COMPOSITION OF SENATE - COMPOSITION
OF THE HOUSE OF REPRESENTATIVES

Introduced By: Senators Metts, Jabour, Pichardo, Goodwin, and Perry

Date Introduced: February 11, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 22-1 of the General Laws entitled "Composition of Senate" is
2 hereby amended by adding thereto the following sections:

3 **22-1-2.1. Districting of incarcerated persons. -- Subject to the provisions of federal**
4 **law, and notwithstanding any provision to the contrary contained in any general or public law, it**
5 **is understood and intended that for the purpose of this section, the domicile of incarcerated**
6 **individuals for voting purposes shall be the last address furnished to government agencies.**

7 **(1) For the purpose of ensuring accurate population counts of incarcerated individuals the**
8 **following procedures shall be followed:**

9 **(i) Not later than May 1st of each year in which the federal decennial census is conducted,**
10 **each state agency that operates a facility for the incarceration of persons convicted of a criminal**
11 **offense, including a mental health institution, or one that places any person convicted of a**
12 **criminal offense in a private facility to be incarcerated on behalf of the state agency, shall submit**
13 **a report to the secretary of state that includes, the following:**

14 **(A) The last address prior to the current incarceration or any other address of legal**
15 **residence outside of a correctional facility;**

16 **(B) The number of persons for which such information could not be collected.**

17 **(2) Prior to May 1st of each year, the secretary of state shall request that each agency that**
18 **operates a federal facility in this state that incarcerates persons convicted of a criminal offense, to**

1 provide the secretary of state with a report as described in subparagraph 22-1-2.1(1)(A).

2 (3) No later than June 1st of each year following each decennial United States Census, the
3 secretary of state shall eliminate each person for whom an address of residence is provided in a
4 report received under subparagraphs 22-1-2.1(1)(A) and (B), from all applicable population
5 counts reported in the public law 94-171 redistricting data file and shall add each person to the
6 geographic units in the public law 94-171 redistricting data file that represent their address of
7 residence.

8 (4) The secretary of state shall make this corrected version of the public law 94-171
9 redistricting data file available to the public and it shall be used as the basis of all state, county,
10 and municipal legislative districts.

11 (5) Upon the completion of the information required pursuant to this section, the
12 secretary of state shall promptly make a report thereof available to the general assembly, all
13 county and municipal legislative bodies, and the public. The general assembly shall utilize such
14 information in the creation of representative and senate districts. All county and municipal
15 legislative bodies shall utilize such information in the creation of county or municipal legislative
16 districts.

17 SECTION 2. Chapter 22-2 of the General Laws entitled "Composition of House of
18 Representatives" is hereby amended by adding thereto the following section:

19 **22-2-2.1. Districting of incarcerated persons.** -- Subject to the provisions of federal
20 law, and notwithstanding any provision to the contrary contained in any general or public law, it
21 is understood and intended that for the purpose of this section, the domicile of incarcerated
22 individuals for voting purposes shall be the last address furnished to government agencies.

23 (1) For the purpose of ensuring accurate population counts of incarcerated individuals the
24 following procedures shall be followed:

25 (i) Not later than May 1st of each year in which the federal decennial census is conducted,
26 each state agency that operates a facility for the incarceration of persons convicted of a criminal
27 offense, including a mental health institution, or one that places any person convicted of a
28 criminal offense in a private facility to be incarcerated on behalf of the state agency, shall submit
29 a report to the secretary of state that includes, the following:

30 (A) The last address prior to the current incarceration or any other address of legal
31 residence outside of a correctional facility;

32 (B) The number of persons for which such information could not be collected.

33 (2) Prior to May 1st of each year, the secretary of state shall request that each agency that
34 operates a federal facility in this state that incarcerates persons convicted of a criminal offense, to

1 provide the secretary of state with a report as described in subparagraph 22-2-2.1(1)(A).

2 (3) No later than June 1st of each year following each decennial United States Census, the
3 secretary of state shall eliminate each person for whom an address of residence is provided in a
4 report received under subparagraphs 22-2-2.1(1)(A) and (B), from all applicable population
5 counts reported in the public law 94-171 redistricting data file and shall add each person to the
6 geographic units in the public law 94-171 redistricting data file represent their address of
7 residence.

8 (4) The secretary of state shall make this corrected version of the public law 94-171
9 redistricting data file available to the public and it shall be used as the basis of all state, county,
10 and municipal legislative districts.

11 (5) Upon the completion of the information required pursuant to this section, the
12 secretary of state shall promptly make a report thereof available to the general assembly, all
13 county and municipal legislative bodies, and the public. The general assembly shall utilize such
14 information in the creation of representative and senate districts. All county and municipal
15 legislative bodies shall utilize such information in the creation of county or municipal legislative
16 districts.

17 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO GENERAL ASSEMBLY - COMPOSITION OF SENATE - COMPOSITION
OF THE HOUSE OF REPRESENTATIVES

- 1 This act would assign a voting district to incarcerated individuals.
- 2 This act would take effect upon passage.

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