

2010 -- H 7833

LC02043

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO CRIMINAL PROCEDURE -- RESIDENCE OF THOSE IN GOVERNMENT CUSTODY

Introduced By: Representative Joseph S. Almeida

Date Introduced: February 25, 2010

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

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

3 CHAPTER 153

4 RESIDENCE OF THOSE IN GOVERNMENT CUSTODY

5 **42-153-1. Title.** – This chapter shall be known and may be cited as the "Residence of
6 Those in Government Custody Act."

7 **42-153-2. Legislative purpose.** – The purpose of this act is to insure the counting, in the
8 federal census for redistricting purposes, of persons now in government custody within the state.

9 **42-153-3. Residence of persons in government custody -- Reporting.** – (a) Not later
10 than May first of the year in which the federal decennial census is conducted, each state agency in
11 this state that operates a facility for the incarceration of persons convicted of a criminal offense,
12 including a mental health institution for those persons, or that places any person convicted of a
13 criminal offense in a private facility to be incarcerated on behalf of the state agency, shall submit
14 a report to the secretary of state that includes, as of the date the federal decennial census was
15 taken:

16 (1) For each incarcerated person included in the federal decennial census, the last address
17 prior to the current incarceration or any other address of legal residence outside of a correctional
18 facility;

1 (2) The number of persons for which such information could not be collected.

2 (b) The secretary of state shall request that, not later than by the date specified in
3 subsection (a), each agency that operates a federal or private facility in this state that incarcerates
4 persons convicted of a criminal offense to provide the secretary of state with a report as described
5 in subdivision (a)(1) above.

6 (c) No later than June 1st of the year following each decennial census, the secretary of
7 state shall eliminate each person for whom an address of residence is provided included in a
8 report received under subsections (a) and (b), from all applicable population counts reported in
9 the PL94-171 redistricting data file and shall add each person to the geographic units in the PL94-
10 171 redistricting data file the represent their address of residence.

11 (d) The secretary of state shall make this corrected version of the PL94-171 redistricting
12 data file publicly available, and it shall be used as the basis of all state, county and municipal
13 legislative districts.

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

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO CRIMINAL PROCEDURE -- RESIDENCE OF THOSE IN GOVERNMENT
CUSTODY

- 1 This act would insure that those persons in government custody within the state be
- 2 counted for census and redistricting purposes.
- 3 This act would take effect upon passage.

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