



# Senate

General Assembly

**File No. 563**

February Session, 2016

Substitute Senate Bill No. 459

*Senate, April 7, 2016*

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS AND DISTRIBUTING STATE AND FEDERAL FUNDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) In each year in which the  
2 federal decennial census is taken and in which the United States  
3 Census Bureau counts incarcerated persons as residents of the towns  
4 in which the correctional facilities are located, the Department of  
5 Correction shall, not later than May first of that year, deliver to the  
6 Secretary of the State in such form as the Secretary of the State shall  
7 prescribe:

8 (1) A unique identifier for each incarcerated person subject to the  
9 jurisdiction of the department on the date for which the decennial  
10 census reports population;

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

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

15 (4) An indication whether or not such person is eighteen years of  
16 age or older;

17 (5) The person's race and whether the person is of Hispanic or  
18 Latino origin, if known; and

19 (6) Any additional information the Secretary of the State may  
20 request pursuant to law.

21 (b) Notwithstanding any provision of the general statutes, the  
22 information required to be provided by this section shall not include  
23 the name of any incarcerated person or in any other way allow for the  
24 identification of any such person from such information. Such  
25 information shall be confidential and not otherwise disclosed except to  
26 the Office of Legislative Research, created pursuant to section 2-71c of  
27 the general statutes, for the purposes of section 3 of this act, or as  
28 aggregated by census block for purposes of section 4 of this act.

29 Sec. 2. (NEW) (*Effective July 1, 2016*) In each year in which the federal  
30 decennial census is taken and in which the United States Census  
31 Bureau counts incarcerated persons as residents of the towns in which  
32 the correctional facilities are located, the Secretary of the State shall  
33 request each agency that operates a federal facility in this state that  
34 incarcerates persons convicted of a criminal offense to provide the  
35 Secretary of the State with a report including the information listed in  
36 subsection (a) of section 1 of this act.

37 Sec. 3. (NEW) (*Effective July 1, 2016*) (a) For each person included in  
38 a report received under section 1 or 2 of this act, the Office of  
39 Legislative Research, created pursuant to section 2-71c of the general  
40 statutes, shall determine the geographic units for which population  
41 counts are reported in the federal decennial census that contain the  
42 address of the facility in which the person was incarcerated and such  
43 person's residential or other address as listed in such report.

44 (b) For each person included in a report received under section 1 or  
45 2 of this act, if such person's residential or other address is known and  
46 in this state, the Office of Legislative Research shall:

47 (1) Ensure that all relevant population counts reported in the census  
48 are as if the person resided at that address on the date for which the  
49 census reports population; and

50 (2) Ensure that the person is not represented in any applicable  
51 population count reported in the federal decennial census for the  
52 geographic units that include the facility in which the person was  
53 incarcerated on the date for which the census reports population.

54 (c) For each person included in a report received under section 1 or  
55 2 of this act whose residential or other address is unknown or not in  
56 this state, and for each person reported in the census as residing in a  
57 federal correctional facility for whom a report was not provided, the  
58 Office of Legislative Research shall:

59 (1) Ensure that the person is not represented in any applicable  
60 population count reported in the federal decennial census for the  
61 geographic units that include the facility in which the person was  
62 incarcerated on the date for which the census reports population; and

63 (2) Ensure that the person is counted as part of a state unit not tied  
64 to a specific geographical determination, in the same manner that a  
65 person with an unknown state of residency is counted, including, but  
66 not limited to, military and federal government personnel stationed  
67 abroad.

68 Sec. 4. (NEW) (*Effective July 1, 2016*) The Secretary of the State shall  
69 prepare and publish such data adjusted pursuant to section 3 of this  
70 act not later than thirty days after the publication of the redistricting  
71 data for this state by the United States Census Bureau and such  
72 adjusted data shall be the basis for (1) determining state assembly and  
73 senatorial districts and municipal redistricting, and (2) the distribution  
74 of state or federal funds or other benefits. Residences at unknown

75 geographic locations within the state under subdivision (1) or (2) of  
 76 subsection (c) of section 3 of this act shall not be used to determine the  
 77 average population of any set of districts. The Secretary of the State  
 78 shall notify each municipality that such data shall be used for the  
 79 purposes of changing municipal voting districts.

80 Sec. 5. (NEW) (*Effective July 1, 2016*) The Department of Correction  
 81 shall determine the residential street or other address of all persons  
 82 committed to the custody of the department on or after January 1,  
 83 2017, and maintain an electronic record of such addresses. Such record  
 84 shall contain, at a minimum, the last-known residential street or other  
 85 address of each person prior to incarceration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2016</i>	New section
Sec. 2	<i>July 1, 2016</i>	New section
Sec. 3	<i>July 1, 2016</i>	New section
Sec. 4	<i>July 1, 2016</i>	New section
Sec. 5	<i>July 1, 2016</i>	New section

**Statement of Legislative Commissioners:**

In Section 3(c)(1), the language was modified for consistency with Section 3(b)(2) and in Section 4, "municipal redistricting" was changed to "changing municipal voting districts" for consistency with the general statutes.

**JUD**      *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:**

Municipalities	Effect	FY 17 \$	FY 18 \$	The Out Years
All Municipalities	Shift in State and Federal Aid	None	None	Potential Significant

**Explanation**

There is no fiscal impact associated with requiring the Department of Correction to provide a list of names and addresses to the Secretary of State.

The bill requires the Office of Legislative Research (OLR) in FY 2021 to adjust census counts related to inmate population to their home address prior to incarceration. As OLR does not have expertise in geographical information systems they would have to hire an outside firm to perform this analysis. This could result in a cost ranging from \$40,000 - \$60,000.

The bill requires the revised town population estimates determined by OLR to be used in any state and Federal grant formulas in which population is a variable. As the bill requires prisoners to be considered residents of the towns they are from, this would likely result in a potentially significant loss of state and Federal aid to any town with large prison populations, beginning in FY 21.<sup>1</sup>

<sup>1</sup> Towns with prison populations include: Bridgeport, Brooklyn, Cheshire, Danbury (Federal prisoners), East Lyme, Enfield, Hartford, Montville, New Haven, Newtown, Somers, and Suffield.

In any instance in which a state or Federal grant is prorated, any revenue loss to towns with a large prison population would result in a corresponding revenue gain to all other municipalities.

***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

**OLR Bill Analysis****sSB 459*****AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS AND DISTRIBUTING STATE AND FEDERAL FUNDS.*****SUMMARY:**

This bill creates a process to adjust U.S. Census population data to count inmates at their addresses prior to incarceration instead of at the prison address. The adjusted data must be the basis for (1) determining General Assembly districts and changing municipal voting districts and (2) distributing state or federal funds or benefits. The adjusted data is not used for Congressional redistricting.

The bill's process requires the:

1. Department of Correction (DOC) to provide the secretary of the state with a list of inmates and their residential or other addresses prior to incarceration;
2. secretary to ask federal agencies for a similar list for federal prisons in Connecticut;
3. Office of Legislative Research (OLR) to adjust the census population counts so inmates, to the extent possible based on the DOC and federal reports, are represented as residing at their addresses prior to incarceration and not at the prison address; and
4. secretary to prepare and publish the adjusted data and notify municipalities that they must use it for changing municipal voting districts.

The bill prohibits using residences at unknown geographic locations

within the state to determine the average population for any set of districts.

EFFECTIVE DATE: July 1, 2016

### **DOC REPORT TO SECRETARY**

The bill requires DOC to determine the residential street or other address of everyone committed to DOC custody beginning on January 1, 2017. DOC must keep the addresses in an electronic record that at least contains each inmate's last-known residential street or other address before incarceration.

By May 1 of each year when the federal decennial census is taken and the U.S. Census Bureau counts inmates as residents of the town in which they are incarcerated, the bill requires DOC to provide the secretary, in a form she prescribes, with:

1. a unique identifier for each inmate under DOC's jurisdiction on the date when the census reports population (presumably, this means Census Day, which is April 1 in the year of the census);
2. the street address of the prison where the person is incarcerated at the time of the report;
3. the residential or other address of the person before incarceration, if known;
4. information about whether the person is age 18 or older;
5. the person's race and whether he or she is of Hispanic or Latino origin, if known; and
6. other information the secretary may legally request.

The bill prohibits including the inmate's name or anything else that might identify the inmate. The bill makes the information confidential and prohibits its disclosure except to OLR or as aggregated by census block for the bill's purposes.



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**REQUEST TO FEDERAL PRISON AUTHORITIES**

In each year the decennial census is taken and the U.S. Census Bureau counts inmates as residents of the towns in which they are incarcerated, the bill requires the secretary to ask each agency operating a federal facility in Connecticut incarcerating inmates convicted of crimes to report the same information as DOC.

**OLR REASSIGNMENT OF INMATE ADDRESSES**

For each person included in a DOC or federal agency report, the bill requires OLR to determine the geographic units (census blocks) in the census that contain the (1) correctional facility and (2) residential or other address. When the inmate's non-prison address is known and in Connecticut, OLR must adjust the population counts of geographic units reported in the census so that the inmate is represented as residing at his or her non-prison address on the date the census reports population, and not at the prison address.

For inmates with unknown or out-of-state addresses or residing in federal prisons for which a report was not provided, the bill requires OLR to ensure that these inmates are not counted in the geographic unit of the inmate's prison. Instead, they must be counted as part of a state unit not tied to a specific geographical determination in the way that someone with an unknown state of residency is counted (such as military and federal government personnel stationed abroad).

The bill does not establish a deadline by which OLR must make these adjustments.

**SECRETARY OF THE STATE'S PUBLICATION OF ADJUSTED DATA**

The bill requires the secretary to prepare and publish the data adjusted by OLR within 30 days after the U.S. Census Bureau publishes redistricting data for the state. Under federal law, the census must publish this data for each state within one year of Census Day. During the last cycle, Connecticut received this data on March 9, 2011.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 22 Nay 17 (03/21/2016)