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## **OLR Bill Analysis**

### **sSB 753**

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

#### **SUMMARY**

This bill creates a process to adjust U.S. Census population data and count inmates at their addresses before incarceration, instead of at their prison address. The adjusted data must be the basis for determining state legislative districts and municipal voting districts.

The bill's process requires the:

1. Department of Correction (DOC) to provide the Office of Policy and Management (OPM) secretary with a list of inmates and their residential or other addresses prior to incarceration;
2. OPM secretary to ask federal agencies for a similar list for federal prisons in Connecticut;
3. OPM to adjust the census population counts so inmates are represented as residing at their prior residential address, not at their prison address; and
4. secretary to prepare and publish the adjusted data and notify municipalities that they must use it for determining 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: Upon passage

#### **DOC REPORT TO OPM**

The bill requires DOC to determine the residential street or other address of everyone committed to DOC custody on or after January 1, 2020. DOC must maintain an electronic record of the addresses that at least contains each inmate's last-known residential or other address before incarceration.

The bill requires DOC, by May 1 in the year following the year when the U.S. decennial census is taken and the U.S. Census Bureau counts inmates as residents of the town where they are incarcerated, to provide the OPM secretary, in a form the secretary prescribes, with the following:

1. a unique identifier for each inmate under DOC's jurisdiction on the date when the decennial census reports population;
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;
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. It makes the information confidential and prohibits its disclosure, except to OPM or as aggregated by census block for the bill's purposes.

#### **OPM REQUEST TO FEDERAL PRISON AUTHORITIES**

The bill requires the OPM secretary, by May 1 in the year following the year when the U.S. census is taken and the U.S. Census Bureau counts inmates as residents of the towns in which they are incarcerated, to ask each agency operating a federal correctional facility in Connecticut for a report that includes the same information

as the DOC report (see above).

### **OPM REASSIGNMENT OF INMATE ADDRESSES**

For each person included in a DOC or federal agency report, the bill requires the OPM secretary to determine the geographic units (census blocks) in the census that contain the person's (1) correctional facility and (2) prior residential or other address. When the inmate's prior address is known and in Connecticut, OPM must adjust the population counts of geographic units reported in the census to represent the inmate as residing at that address when 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 OPM 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).

### **OPM PUBLICATION OF ADJUSTED DATA**

The bill requires the OPM secretary to prepare and publish the adjusted data by the later of (1) July 1 in the year following the year when the U.S. census is taken or (2) 30 days after the U.S. Census Bureau's publication of Connecticut state redistricting data. 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. This cycle, because of COVID-19-related delays, the state will likely receive the data in August and September of 2021.)

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13 Nay 5 (03/29/2021)