
OLR Bill Analysis

sSB 753 (as amended by Senate "A")*

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 most prison inmates at their address before incarceration, instead of at their prison address. It requires that this adjusted data, as well as the unadjusted data, serve as the basis for determining state legislative districts and municipal voting districts. The bill excludes inmates serving a life sentence without the possibility of release from the adjusted data.

Generally, 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, other than those serving a life sentence without the possibility of release, 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 that these inmates are represented as residing at their prior residential address, not at their prison address; and
4. OPM secretary to prepare and publish the adjusted and unadjusted data and notify municipalities that they must use these data 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.

*Senate Amendment "A" (1) requires that inmates serving a life sentence without the possibility of release be excluded from the adjusted data; (2) requires that unadjusted data, not only adjusted data, be used to determine state legislative and municipal voting districts; and (3) changes certain deadlines to conform with COVID-19-related delays, as well as with the decennial census.

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 as of or after January 1, 2020, and decennially after that, and who remains so committed on the date for which the census reports population (see BACKGROUND). 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 (1) June 30, 2021, and (2) May 1 in each year thereafter 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 with the following information in a form the secretary prescribes:

1. a unique identifier for each inmate under DOC's jurisdiction on the date for which 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 an inmate's name or anything else that might identify him or her. It makes the information confidential and prohibits its disclosure, except to OPM or as aggregated by census block for the bill's purposes. It also prohibits DOC from delivering to OPM the residential or other address before incarceration of a person serving a life sentence without the possibility of release.

OPM REQUEST TO FEDERAL PRISON AUTHORITIES

The bill requires the OPM secretary, by (1) June 30, 2021, and (2) May 1 in each year thereafter 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). It prohibits OPM from asking an agency for the residential or other address before incarceration of a person serving a life sentence without the possibility of release.

OPM REASSIGNMENT OF INMATE ADDRESSES

For each person included in a DOC or federal agency report, other than anyone serving a life sentence without the possibility of release, 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 whom a report was not provided, other than anyone serving a life sentence without the possibility of release, 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).

Inmates Serving a Life Sentence Without the Possibility of Release

The bill prohibits the OPM secretary from adjusting the address of a person included in a DOC or federal agency report who is serving a life sentence without the possibility of release. Instead, the secretary must ensure that these people are represented as residing at the facility where they were incarcerated on the date for which the census reports population.

OPM PUBLICATION OF ADJUSTED DATA

The bill requires the OPM secretary to prepare and publish the adjusted and unadjusted 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 (see BACKGROUND).

BACKGROUND

Census Data Publication

Public Law (P.L.) 94-171 requires the U.S. Census Bureau to administer a decennial redistricting program and provide the states with the population tabulations necessary for legislative redistricting. The Census Bureau must publish this state redistricting data within one year after the date for which it reports population (i.e., Census Day), which is April 1st in the year of the census (e.g., 2020, 2030).

During the 2011 redistricting cycle, Connecticut received the population 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)