

2025 -- H 5538

LC001569

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO ELECTIONS -- RESIDENCE OF INDIVIDUALS IN GOVERNMENT
CUSTODY ACT

Introduced By: Representatives Cruz, Ajello, Morales, Stewart, Alzate, Handy, Sanchez,
and Felix

Date Introduced: February 18, 2025

Referred To: House State Government & Elections

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 17 of the General Laws entitled "ELECTIONS" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 30

4 RESIDENCE OF INDIVIDUALS IN GOVERNMENT CUSTODY ACT

5 **17-30-1. Short title.**

6 This chapter shall be known and may be cited as the "Residence of Individuals in
7 Government Custody Act."

8 **17-30-2. Legislative purpose, declaration and findings.**

9 The purpose of this chapter is to ensure that persons in government custody within the state
10 are counted at their actual residence for redistricting purposes. The general assembly notes that §
11 17-1-3.1 provides: "A person's residence for voting purposes is his or her fixed and established
12 domicile... A person can have only one domicile, and the domicile shall not be considered lost
13 solely by reason of absence for any of the following reasons:...Confinement in a correctional
14 facility...". Investigation has shown that, despite these provisions, the census continues to classify
15 incarcerated persons as residents of their places of incarceration, rather than of their home
16 addresses. The provisions of this chapter are necessary to provide procedures and duties to correct
17 this discrepancy.

18 **17-30-3. Electronic record.**

1 The department of corrections shall collect and maintain an electronic record of the legal
2 residence, presumptively outside of the facility, and other demographic data, for any person
3 entering its custody after January 1, 2026. At a minimum, this record shall contain the last known
4 complete street address prior to incarceration, the person's race, whether the person is of Hispanic
5 or Latino origin, and whether the person is over the age of eighteen (18) years.

6 **17-30-4. Reports to the division of statewide planning.**

7 (a) By May 1 of each year, the department of corrections shall deliver to the division of
8 statewide planning the following information for each person incarcerated in the department's
9 facilities as of April 1 that year:

10 (1) The street address of the correctional facility in which such person was incarcerated;

11 (2) The last known address of such person prior to incarceration or other legal residence (if
12 known);

13 (3) The person's race, whether the person is of Hispanic or Latino origin, and whether the
14 person is over the age of eighteen (18) years (if known);

15 (4) For any person who entered the department's custody prior to January 1, 2026, the
16 department shall provide all information specified in subsections (a)(1) through (a)(3) of this
17 section, that exists in its records; and

18 (5) Any additional information, as the division of statewide planning may request pursuant
19 to law.

20 (b) The department shall provide the information specified in subsection (a) of this section,
21 in such form as the division of statewide planning shall specify.

22 (c) Notwithstanding any other provision of the general or public laws to the contrary, the
23 information required to be provided to the division of statewide planning pursuant to this section,
24 shall not include the name of any incarcerated person and shall not allow for the identification of
25 any such person therefrom, except to the department of corrections. The information shall be treated
26 as confidential, and shall not be disclosed by the division of statewide planning, except as
27 redistricting data aggregated by census block for purposes which they may require.

28 **17-30-5. Federal facilities.**

29 The division of statewide planning shall request each agency that operates a federal facility
30 in this state that incarcerates persons convicted of a criminal offense, to provide the secretary of
31 state with a report including the information listed in § 17-30-4.

32 **17-30-6. Requiring use of data in redistricting.**

33 The division of statewide planning shall prepare redistricting population data to reflect
34 incarcerated persons at their residential address, pursuant to § 17-30-4. The data prepared by the

1 division of statewide planning pursuant to § 17-30-4, shall be the basis of congressional districts,
2 state house of representative districts, state senate districts, and all local government districts that
3 are based on population. Incarcerated populations residing at unknown geographic locations within
4 the state, as determined under § 17-30-4, shall not be used to determine the ideal population of any
5 set of districts, wards, or precincts.

6 **17-30-7. Redistricting data publication by the division of statewide planning.**

7 (a) For each person included in a report received under this chapter, the division of
8 statewide planning shall determine the geographic units for which population counts are reported
9 in the federal decennial census, that contain the facility of incarceration and the legal residence as
10 listed according to the report.

11 (b) For each person included in a report received under this chapter, if the legal residence
12 is known and in this state, the division of statewide planning shall:

13 (1) Ensure that the person is not represented in any population counts reported by the
14 division of statewide planning, for the geographic units that include the facility at which the person
15 was incarcerated, unless that geographic unit also includes the person's legal residence; and

16 (2) Ensure that any population counts reported by the division of statewide planning, reflect
17 the person's residential address as reported, pursuant to this chapter.

18 (c) For each person included in a report received under this chapter for whom a legal
19 residence is unknown or not in this state, and for all persons reported in the census as residing in a
20 federal correctional facility for whom a report was not provided, the division of statewide planning
21 shall:

22 (1) Ensure that the person is not represented in any population counts reported by the
23 division of statewide planning for the geographic units that include the facility at which the person
24 was incarcerated; and

25 (2) Allocate the person to a state unit not tied to a specific determined geography, as other
26 state residents with unknown state addresses are allocated, including, but not limited to, military
27 and federal government personnel stationed overseas.

28 (d) The data prepared by the division of statewide planning pursuant to this section shall
29 be completed and published no later than thirty (30) days from the date that federal decennial data
30 is published for the State of Rhode Island or forty-five (45) days after the effective date of this
31 chapter, whichever is later.

32 **17-30-8. Annual reports by the secretary of state.**

33 For each report received from the department or federal agency under this chapter, the
34 division of statewide planning shall analyze the data submitted for its completeness and publish its

1 findings, including, but not limited to:

2 (1) The number of records that were missing data;

3 (2) The number of records that could not be geocoded; and

4 (3) For any records that could not be geocoded, a determination of which information was
5 missing or otherwise made the record unable to be geocoded.

6 **17-30-9. Use in aid.**

7 The data prepared by the division of statewide planning as required by § 17-30-4, shall not
8 be used in the distribution of any state or federal aid.

9 **17-30-10. Severability.**

10 If any provision of this chapter or the application of any provision of this chapter to any
11 person or circumstance is held invalid, the invalidity shall not affect other provisions or applications
12 of the chapter that can be given effect without the invalid provision or application, and for this
13 purpose the provisions of this chapter are severable.

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

=====
LC001569
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO ELECTIONS -- RESIDENCE OF INDIVIDUALS IN GOVERNMENT
CUSTODY ACT

1 This act would require that the state use the actual residences of persons in government
2 custody for redistricting purposes. Such information would be collected by the department of
3 corrections and forwarded to the division of statewide planning, to be utilized for redistricting.

4 This act would take effect upon passage.

=====
LC001569
=====