

2012 -- S 2218

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT

Introduced By: Senators Metts, and Pichardo

Date Introduced: January 24, 2012

Referred To: Senate 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 155

4 RESIDENCE OF THOSE IN GOVERNMENT CUSTODY ACT

5 **42-155-1. Title.** – This chapter shall be known and may be cited as the “Residence of  
6 Those in Government Custody Act.”

7 **42-155-2. Legislative Purpose.** – The purpose of this act is to ensure that persons in  
8 government custody within the state are counted at their actual residence for redistricting  
9 purposes.

10 **42-155-3. Residence of persons in government custody – Collecting addresses.** – The  
11 department of corrections shall collect and maintain an electronic record of the proper residential  
12 address, presumptively outside of the facility, for all people entering its custody after January 1,  
13 2013. At a minimum, this record should contain the last known complete street address prior to  
14 incarceration, their race, whether the person is of hispanic or latino origin, and whether the person  
15 is over the age of eighteen (18) and to the degree possible, should allow an alternative proper  
16 residential address to be updated as appropriate.

17 **42-155-4. Residence of persons in government custody – Reports to the General**  
18 **Assembly.** – (a) In each year in which the federal decennial census is taken, but in which the  
19 United States Bureau of the Census counts incarcerated persons as residents of correctional

1 facilities, each state agency that operates a facility for the incarceration of persons convicted of a  
2 criminal offense, including mental health institutions or that places any person convicted of a  
3 criminal offense in a private facility to be incarcerated on behalf of the state agency, shall, by  
4 May 1<sup>st</sup> of that same year, or within seven (7) days of the date this chapter takes effect, whichever  
5 is later, deliver to the general assembly:

6 (1) A unique identifier, not including the name, for each incarcerated person subject to  
7 the jurisdiction of the department on the date for which the decennial census reports population;

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

10 (3) The residential address of such person prior to incarceration or other proper  
11 residential address (if known);

12 (4) The person's race, whether the person is of hispanic or latino origin, and whether the  
13 person is over the age of eighteen (18) (if known).

14 (5) Any additional information as the general assembly may request pursuant to law.

15 (b) The department shall provide the information specified in subsection (a) of this  
16 section in such form as the general assembly shall specify.

17 (c) Notwithstanding any other provision of law, the information required to be provided  
18 pursuant to this subsection shall not include the name of any incarcerated person and shall not  
19 allow for the identification of any such person therefrom. The same shall be treated as  
20 confidential and shall not otherwise be disclosed except as aggregated by census block for  
21 purposes specified in section 42-155-7.

22 **42-155-5. Residence of persons in government custody – Federal facilities.** – The  
23 general assembly shall request each agency that operates a federal facility in this state that  
24 incarcerates persons convicted of a criminal offense to provide the general assembly with a report  
25 including the information listed in subsection 42-155-4(a).

26 **42-155-6. Residence of persons in government custody – Adjustments by the**  
27 **General Assembly.** – (a) For each person included in a report received under sections 42-155-4  
28 and 42-155-5, the general assembly shall determine the geographic units for which population  
29 counts are reported in the federal decennial census that contain the address of the facility of  
30 incarceration and the proper residential address as listed according to the report.

31 (b) For each person included in a report received under sections 42-155-4 and 42-155-5,  
32 if the proper residential address is known and in this state, the general assembly shall:

33 (1) Adjust all relevant population counts reported in the census as if the person resided at  
34 that address on the day for which the census reports population.

1           (2) Ensure that the person is not represented in any applicable population counts reported  
2 in the federal decennial census for the geographic units that include the facility at which the  
3 person was incarcerated on the day for which the census reports population.

4           (c) For each person included in a report received under sections 42-155-4 and 42-155-5  
5 and for all persons reported in the census as residing in a federal correctional facility for whom a  
6 report was not provided, if the proper residential address is unknown or not in this state, the  
7 general assembly shall:

8           (1) Adjust all relevant population counts reported in the census as if the person resided at  
9 an unknown geographic location within the state on the day for which the census reports  
10 population.

11           (2) Ensure that the person is not represented in any applicable population counts reported  
12 in the federal decennial census for the geographic units that include the facility at which the  
13 person was incarcerated on the day for which the census reports population.

14           **42-155-7. Residence of persons in government custody – Requiring use of data in**  
15 **redistricting.** – The adjusted data prepared by the general assembly in section 42-155-6 shall be  
16 the basis of state house and senate districts, and all county, municipal and other local government  
17 districts that are based on population. Residences at unknown geographic locations within the  
18 state under subsection 42-155-6(c) shall not be used to determine the average population of any  
19 set of districts, wards, or precincts.

20           **42-155-8. Residence of persons in government custody – Severability.** – If any  
21 provision of this chapter or the application of any provision of this chapter to any person or  
22 circumstance is held invalid, the invalidity shall not affect other provisions or applications of the  
23 chapter that can be given effect without the invalid provision or application, and for this purpose  
24 the provisions of this chapter are severable.

25           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 STATE AFFAIRS AND GOVERNMENT

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1           This act would create the Residence of Those in Government Custody Act in order to  
2 ensure that persons in government custody are counted at their actual residence for redistricting  
3 purposes.

4           This act would take effect upon passage.

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