

Senate Bill 331

SB 331-1 Handwritten
5/7/2015 By: Erin Sulew

Sponsored by Senator SHIELDS, Representatives PARRISH, FREDERICK; Senators BEYER, EDWARDS (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Directs Department of Corrections to determine last-known address of inmates in custody of department and submit information to Secretary of State. Directs secretary to adjust population data reported in federal decennial census to reflect residence status of inmates before incarceration.

Requires Legislative Assembly or Secretary of State, whichever is applicable, to reapportion state into legislative districts based on adjusted population data. Requires use of adjusted population data to apportion county or municipal boundaries.

A BILL FOR AN ACT

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Relating to redistricting.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 and 3 of this 2015 Act are added to and made a part of ORS 188.010 to 188.295.

SECTION 2. (1) As used in this section:

(a) "Date of the census" means the date for which the federal decennial census reports population.

(b) "Inmate" means a person committed to the physical and legal custody of the Department of Corrections.

(c) "Last-known address" means a residential address, other than a department facility, at which an inmate resided before incarceration.

(2) The Department of Corrections shall by rule adopt an electronic filing system to record the following information for each inmate: "sentenced to

14(a) the custody of the department on or after the effective date of this 2015 Act".

15 (a) The last-known address of the inmate, if the address is readily known or 15(a) available to the inmate".

(b) The inmate's race and ethnicity.

(c) Whether the inmate is over the age of 18 years.

(3) Not later than May 1 of the year of the federal decennial census, the department shall submit to the Secretary of State:

(a) A unique identifier for each inmate incarcerated on the date of the census.

(b) The address of the facility in which the inmate is incarcerated on the date of the census.

(c) All information recorded for each inmate under subsection (2) of this section.

(4) Not later than 14 days after publication of census redistricting data for this state by the United States Census Bureau, the Secretary of State shall:

(a) For each inmate determined to have a last-known address within this state:

(A) Determine the geographic units for which population counts are reported in the federal decennial census that contain the address of the facility of incarceration and the last-

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1 known address of the inmate;

2 (B) Adjust all relevant population counts reported in the federal decennial census as if
3 the inmate resided at the inmate's last-known address on the date of the census; and

4 (C) Remove the inmate from any population count reported in the federal decennial cen-
5 sus for the geographic units that include the facility of incarceration.

6 (b) For each inmate whose address is not known or not in this state:

7 (A) Adjust all relevant population counts reported in the federal decennial census as if
8 the inmate resided at an unknown geographic location within this state on the date of the
9 census.

10 (B) Ensure that the inmate is not represented in any population count reported in the
11 federal decennial census for the geographic units that include the facility of incarceration for
12 the inmate on the date of the census.

13 (5) The adjusted population data prepared by the Secretary of State under this section
14 shall be the population data used by the Legislative Assembly or the Secretary of State,
15 whichever is applicable, when apportioning the state into legislative districts. Residents of
16 unknown geographic locations within this state or at residences not in this state may not
17 be used to determine the average population of any geographic unit for purposes of appor-
18 tioning the state into legislative districts.

19 (6) The Secretary of State shall request that each federal facility of incarceration located
20 in this state submit the information described in subsection (2) of this section regarding each
21 person incarcerated in the facility.

22 (7) The Secretary of State by rule shall prescribe a form to be used to submit information
23 to the secretary as required by this section.

24 (8)(a) Except as otherwise provided in this section, any information provided to the Sec-
25 retary of State under this section is confidential. The name of each inmate for whom infor-
26 mation is submitted to the secretary under this section may not be linked to the information
27 submitted. Each inmate's name is confidential and may not be disclosed, except that the in-
28 formation may be aggregated by geographic unit for the purpose of apportioning the state
29 into legislative districts as described in this section.

30 (b) The unique identifier described in subsection (3) of this section may not:

31 (A) Indicate any identification number otherwise used for the inmate; or

32 (B) Allow any person, other than the Department of Corrections, to associate an address
33 with an inmate.

34 SECTION 3⁽¹⁾ The adjusted population data prepared by the Secretary of State under sec-
35 tion 2 of this 2015 Act shall be the population data used to apportion county or municipal
36 boundaries. Residents of unknown geographic locations within this state or at residences
37 not in this state may not be used to determine the average population of any geographic unit
38 for purposes of apportioning county or municipal boundaries.

39 “(2) The adjusted population data prepared by the Secretary of State un-
40 der section 2 of this 2015 Act shall be used only when apportioning the state
41 into legislative districts and as described in subsection (1) of this section,
42 and shall not be used for any other purpose.”