

HB 3216 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 2/28

WHAT THE MEASURE DOES:

Directs Department of Corrections (DOC) to adopt electronic filing system to record last-known address, race and ethnicity, and whether over 18 years for each adult in custody (AOC) sentenced to DOC custody as of January 1, 2024. Requires DOC to submit this information to Secretary of State (SOS) by May 1 of federal decennial census year with unique identifier for each AOC and address of facility where AOC was incarcerated on census date. Directs SOS, not later than 14 days after publication of census redistricting data, to determine and adjust population counts reported in federal decennial census for AOCs with a last-known address to that geographic unit and not geographic unit of facility. Requires SOS to adjust population counts for AOC without last-known address to unknown geographic location. Requires Legislative Assembly or the Secretary of State to use adjusted population data when apportioning state into legislative districts and to apportion county or municipal boundaries. Makes information submitted to SOS confidential.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The United States Constitution requires a census every ten years to determine the number of people residing in each state. Then states redistrict their legislative and congressional districts from the decennial census conducted by the U.S. Census Bureau. Under Article IV, Section 6 of the Oregon Constitution, the Legislative Assembly is responsible for drawing legislative and Congressional maps. If legislative maps are not enacted by July 1st, then the responsibility of drawing legislative maps or correcting for a specific problem falls to the Secretary of State.

The U.S. Census Bureau's enumeration procedures are guided by its constitutional and statutory mandates to count all residents of the several states. The state in which a person resides and the specific location within that state is determined according to the concept of "usual residence," which is defined as the place where a person lives and sleeps most of the time. In 2020, people in federal and state prisons and local jails and other municipal confinement facilities on Census Day were counted at the facility and as residents of the district in which they were confined.

According to the National Conference of State Legislatures, several states have changed their procedures for allocating inmate data for redistricting purposes. In these states, when possible, they reallocate data on inmates in the redistricting data file from where they are incarcerated to their residence prior to incarceration. As of December 2021, 13 states had passed laws or adopted guidance modifying how incarcerated persons are counted and allocated during the redistricting process, including Washington and California.

House Bill 3216 requires the Department of Corrections to collect information on the last-known address of adults in custody and submit that information to the Secretary of State to be used to adjust the population counts reported in the federal decennial census to reflect the residence status of adults in custody. The measure then requires the Legislative Assembly, or the Secretary of State, whichever is applicable, to use this adjusted population data when drawing state legislative maps.