

# House Bill 3216

Sponsored by Representative HOLVEY

## 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 adults in custody, if address is readily known or available to adult in custody, and submit information to Secretary of State. Directs secretary to adjust population data reported in federal decennial census to reflect residence status of adults in custody 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

1  
2 Relating to redistricting.

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

4 **SECTION 1. Sections 2 and 3 of this 2023 Act are added to and made a part of ORS 188.010**  
5 **to 188.305.**

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

7 (a) **"Adult in custody" means a person committed to the physical and legal custody of the**  
8 **Department of Corrections.**

9 (b) **"Date of the census" means the date for which the federal decennial census reports**  
10 **population.**

11 (c) **"Last-known address" means a residential address, other than a department facility,**  
12 **at which an adult in custody resided before incarceration.**

13 (2) **The Department of Corrections shall by rule adopt an electronic filing system to re-**  
14 **cord the following information for each adult in custody sentenced to the custody of the de-**  
15 **partment on or after the effective date of this 2023 Act:**

16 (a) **The last-known address of the adult in custody, if the address is readily known or**  
17 **available to the adult in custody.**

18 (b) **The race and ethnicity of the adult in custody.**

19 (c) **Whether the adult in custody is over the age of 18 years.**

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

22 (a) **A unique identifier for each adult in custody who was incarcerated on the date of the**  
23 **census.**

24 (b) **The address of the facility in which the adult in custody was incarcerated on the date**  
25 **of the census.**

26 (c) **All information recorded for each adult in custody under subsection (2) of this sec-**  
27 **tion.**

28 (4) **Not later than 14 days after publication of census redistricting data for this state by**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 the United States Census Bureau, the Secretary of State shall:

2 (a) For each adult in custody determined to have a last-known address within this state:

3 (A) Determine the geographic units for which population counts are reported in the fed-  
4 eral decennial census that contain the address of the facility of incarceration and the last-  
5 known address of the adult in custody;

6 (B) Adjust all relevant population counts reported in the federal decennial census as if  
7 the adult in custody had resided at the last-known address of the adult in custody on the date  
8 of the census; and

9 (C) Remove the adult in custody from any population count reported in the federal  
10 decennial census for the geographic units that include the facility of incarceration.

11 (b) For each adult in custody whose address is not known or not in this state:

12 (A) Adjust all relevant population counts reported in the federal decennial census as if  
13 the adult in custody had resided at an unknown geographic location within this state on the  
14 date of the census.

15 (B) Ensure that the adult in custody is not represented in any population count reported  
16 in the federal decennial census for the geographic units that include the facility of  
17 incarceration for the adult in custody on the date of the census.

18 (5) The Secretary of State may seek the assistance of the United States Census Bureau  
19 in making the adjustments described in subsection (4) of this section.

20 (6) The adjusted population data prepared by the Secretary of State under this section  
21 shall be the population data used by the Legislative Assembly or the Secretary of State,  
22 whichever is applicable, when apportioning the state into legislative districts. Residents of  
23 unknown geographic locations within this state or at residences not in this state may not  
24 be used to determine the average population of any geographic unit for purposes of appor-  
25 tioning the state into legislative districts.

26 (7) The Secretary of State shall request that each federal facility of incarceration located  
27 in this state submit the information described in subsection (2) of this section regarding each  
28 person incarcerated in the facility.

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

31 (9)(a) Except as otherwise provided in this section, any information provided to the Sec-  
32 retary of State under this section is confidential. The name of each adult in custody for  
33 whom information is submitted to the secretary under this section may not be linked to the  
34 information submitted. The name of each adult in custody is confidential and may not be  
35 disclosed, except that the information may be aggregated by geographic unit for the purpose  
36 of apportioning the state into legislative districts as described in this section.

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

38 (A) Indicate any identification number otherwise used for the adult in custody; or

39 (B) Allow any person, other than the Department of Corrections, to associate an address  
40 with an adult in custody.

41 **SECTION 3.** (1) The adjusted population data prepared by the Secretary of State under  
42 section 2 of this 2023 Act shall be the population data used to apportion county or municipal  
43 boundaries. Residents of unknown geographic locations within this state or at residences  
44 not in this state may not be used to determine the average population of any geographic unit  
45 for purposes of apportioning county or municipal boundaries.

1           **(2) The adjusted population data prepared by the Secretary of State under section 2 of**  
2 **this 2023 Act shall be used only when apportioning the state into legislative districts and as**  
3 **described in subsection (1) of this section, and may not be used for any other purpose.**

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