

HB 2250 STAFF MEASURE SUMMARY

House Committee On Rules

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 3/19

WHAT THE MEASURE DOES:

The measure directs the Department of Corrections (DOC) to record demographic information for each adult in custody (AIC), including the county of residence before incarceration, and to submit that information to the Portland State University Population Research Center (Center). It requires the Center to adjust the population data reported in the federal decennial census to reflect the known residence status of each AIC before incarceration and report that information to the Legislative Assembly. The measure also requires the Legislative Assembly and Secretary of State, whichever is applicable, to use the adjusted population data when apportioning the state into congressional and legislative districts and to use to apportion boundaries for public bodies.

Detailed Summary

Directs the DOC to maintain an electronic filing system to record demographic information for each adult in custody (AIC) serving a sentence imposed by a court in Oregon, including name, date of birth, race and ethnicity, and the county of residence before incarceration.

Requires the DOC to report this demographic information, as of April 1 of the federal decennial census year, to the Portland State University Population Research Center (Center) by January 1 of the year following the federal census.

Requires the Center to adjust Oregon's federal decennial redistricting data, using the DOC demographic information, to modify all relevant population counts for an AIC whose county of residence is known to the office of the county clerk in the county of residence instead of the facility of incarceration.

Requires the Center to provide the adjusted population data to the Legislative Assembly within 10 days of the publication of census redistricting data.

Requires the Legislative Assembly or the Secretary of State, whichever is applicable, to use the adjusted population data when apportioning the state into congressional and legislative districts and to use to apportion boundaries for state government bodies, local government bodies, and special government bodies.

Fiscal impact: May have fiscal impact, but no statement yet issued

Revenue impact: May have revenue impact, but no statement yet issued

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 Section 6, Article IV 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.

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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 (NCSL), as of May 2024, 15 states have passed laws or adopted guidance modifying how incarcerated persons are counted and allocated during the redistricting process. NCSL reports that states vary in their reallocation treatment of state and federal inmates and in their specific procedures for identifying and reporting incarcerated persons' last known residences for redistricting purposes.