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## DIGEST

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HB 228 Original

2017 Regular Session

Smith

**Abstract:** Provides, for purposes of all redistricting by the legislature, that an incarcerated person shall be counted at his last known residential address prior to incarceration if within the state, and if the last known residential address is outside of the state, unknown, or unreported, the incarcerated person shall be subtracted from the census count.

Present constitution (Const. Art. III, §6) requires the legislature to reapportion the representation of each house of the legislature as equally as practicable on the basis of the population shown by the census, no later than the end of the year following the year in which the population of this state is reported to the president of the U.S. for each decennial federal census. Provides if the legislature fails, the supreme court shall reapportion the legislature, upon the petition of any elector.

Present law (La. Election Code) provides that in accordance with the present constitution, the tabulation of population for each decennial census on the basis of which the legislature shall reapportion the representation in each house shall be the tabulation of population reported and transmitted by the U.S. Census Bureau to the governor and the legislature within one year after the census date, under the provisions of Public Law 94-171. Further requires that such tabulation of population be the sole basis for the establishment of legislative districts, and prohibits any other or subsequent tabulation of population from being considered or utilized in such reapportionment.

Proposed law provides instead that the tabulation of population for each decennial census on the basis of which the legislature shall reapportion the representation in each house shall be the tabulation of population reported and transmitted by the U.S. Census Bureau to the governor and the legislature within one year after the census date, under the provisions of Public Law 94-171 as adjusted pursuant to proposed law.

Proposed law requires the secretary of the DPS&C, the deputy secretary of youth services, each sheriff, and each chief law enforcement officer of a municipality that operates a correctional facility to submit a report to the legislature no later than Sept. 1 of the year of the federal decennial census containing the following information for each incarcerated person under his respective jurisdiction:

- (1) A unique identifier for each such person, not including the person's name.
- (2) The street address of the correctional facility in which such person was incarcerated on April first of that year.
- (3) The residential address of such person immediately prior to incarceration, if known.

- (4) The age, sex, and race of the person.

Proposed law further requires the legislature, no later than July first of each year in which the federal decennial census is taken, to request the same information in a report submitted by Sept. first from the Federal Bureau of Prisons for each incarcerated person residing, on April first of that year, in a facility managed by the bureau and within the boundaries of the state.

Proposed law provides that as soon as practicable after the receipt of the tabulation of population from the U.S. Census Bureau, the designated staff of the legislature shall utilize information submitted pursuant to proposed law and prepare a draft adjustment of population as follows:

- (1) If the residential address of the person immediately prior to incarceration is within the boundaries of the state, determine the census block corresponding to the address and add the person to the count for that block and remove the person from the count for the block in which the facility is located.
- (2) If the residential address of the person is unknown, unreported, or outside the boundaries of the state, remove the person from the count for the block in which the facility is located.

Proposed law requires the draft adjustment to be published on the website of the legislature as soon as practicable following its completion and to be submitted for approval by the Committees on House and Governmental Affairs and Senate and Governmental Affairs at a joint meeting held no sooner than five days after the draft adjustment is published and no later than 30 days after its publication.

Proposed law specifies that once approved, the adjusted tabulation of population shall be the population data utilized by the legislature to establish districts for the election of members to each house of the legislature, the districts for the election of members of the U.S. House of Representatives, the districts for the election of members of the PSC, the districts for the election of members of the BESE, and the election districts of any other office or jurisdiction that is required to be established or changed by law.

(Amends R.S. 18:1906)