

2017 Regular Session

HOUSE BILL NO. 228

BY REPRESENTATIVE SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

REAPPORTIONMENT: Provides relative to the allocation of incarcerated persons for the purposes of all redistricting by the legislature

1 AN ACT

2 To amend and reenact R.S. 18:1906, relative to census tabulations for reapportionment and  
3 redistricting purposes; to provide the manner by which persons in correctional  
4 facilities shall be allocated for such purposes; to provide procedures; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 18:1906 is hereby amended and reenacted to read as follows:

8 §1906. Tabulation for reapportionment; legislature; redistricting

9 A. In accordance with Article III, Section 6(A) of the Constitution of  
10 Louisiana, the tabulation of population for each decennial census on the basis of  
11 which the legislature shall reapportion the representation in each house shall be the  
12 tabulation of population reported and transmitted by the United States Bureau of the  
13 Census to the governor and the legislature within one year after the census date,  
14 under the provisions of Public Law 94-171. ~~Such tabulation of population shall be~~  
15 ~~the sole basis for the establishment of legislative districts, and no other or subsequent~~  
16 ~~tabulation of population shall be considered or utilized in such reapportionment.~~  
17 adjusted as provided in Subsection C of this Section.

18 B.(1) No later than September first of each year in which the federal  
19 decennial census is taken, the secretary of the Department of Public Safety and  
20 Corrections shall submit a report to the legislature containing the following

1 information for each incarcerated person subject to the jurisdiction of the  
2 department, excluding youth services, on April first of that year:

3 (a) A unique identifier for each such person, not including the person's name.

4 (b) The street address of the correctional facility in which such person was  
5 incarcerated on April first of that year.

6 (c) The residential address of such person immediately prior to incarceration,  
7 if known.

8 (d) The age, sex, and race of the person.

9 (2) No later than September first of each year in which the federal decennial  
10 census is taken, the deputy secretary of youth services of the Department of Public  
11 Safety and Corrections shall submit a report to the legislature containing the  
12 following information for each incarcerated person subject to the jurisdiction of  
13 youth services on April first of that year:

14 (a) A unique identifier for each such person, not including the person's name.

15 (b) The street address of the facility in which such person was incarcerated  
16 on April first of that year.

17 (c) The residential address of such person immediately prior to incarceration,  
18 if known.

19 (d) The age, sex, and race of the person.

20 (3) No later than September first of each year in which the federal decennial  
21 census is taken, each sheriff shall submit a report to the legislature containing the  
22 following information for each incarcerated person under the jurisdiction of the  
23 sheriff on April first of that year, excluding any person under the jurisdiction of the  
24 Department of Public Safety and Corrections:

25 (a) A unique identifier for each such person, not including the person's name.

26 (b) The street address of the correctional facility in which such person was  
27 incarcerated on April first of that year.

28 (c) The residential address of such person immediately prior to incarceration,  
29 if known.

1           (d) The age, sex, and race of the person.

2           (4) No later than September first of each year in which the federal decennial  
3           census is taken, the chief law enforcement officer of a municipality that operates a  
4           correctional facility shall submit a report to the legislature containing the following  
5           information for each incarcerated person under the jurisdiction of the chief law  
6           enforcement officer of the municipality on April first of that year, excluding any  
7           person under the jurisdiction of the Department of Public Safety and Corrections or  
8           the sheriff:

9           (a) A unique identifier for each such person, not including the person's name.

10          (b) The street address of the correctional facility in which such person was  
11          incarcerated on April first of that year.

12          (c) The residential address of such person immediately prior to incarceration,  
13          if known.

14          (d) The age, sex, and race of the person.

15          (5) No later than July first of each year in which the federal decennial census  
16          is taken, the legislature shall request that the Federal Bureau of Prisons provide a  
17          report to the legislature by September first of that year containing the following  
18          information for each incarcerated person residing, on April first of that year, in a  
19          facility managed by the bureau and within the boundaries of the state:

20          (a) A unique identifier for each such person, not including the person's name.

21          (b) The street address of the correctional facility in which such person was  
22          incarcerated on April first of that year.

23          (c) The residential address of such person immediately prior to incarceration,  
24          if known.

25          (d) The age, sex, and race of the person.

26          C.(1) As soon as practicable after the receipt of the tabulation of population  
27          reported and transmitted by the United States Bureau of the Census under the  
28          provisions of Public Law 94-171, the designated staff of the legislature shall utilize

1 the information submitted pursuant to Subsection B of this Section and shall prepare  
2 a draft adjustment of population as follows:

3 (a) If the residential address of the person immediately prior to incarceration  
4 is within the boundaries of the state, determine the census block corresponding to the  
5 address, add the person to the population tabulation for that census block, remove  
6 the person from the population tabulation for the census block in which the facility  
7 is located, and make all necessary adjustments to the population tabulations for all  
8 other applicable census geography to reflect the changes.

9 (b) If the residential address of the person is unknown, unreported, or outside  
10 the boundaries of the state, remove the person from the population tabulation for the  
11 census block in which the facility is located and make all necessary adjustments to  
12 the population tabulations for other applicable census geography to reflect the  
13 change.

14 (2) The draft adjustment shall be published on the website of the legislature  
15 as soon as practicable following its completion and shall be submitted for approval  
16 by the House Committee on House and Governmental Affairs and the Senate  
17 Committee on Senate and Governmental Affairs at a joint meeting held no sooner  
18 than five days after the draft adjustment is published on the website of the legislature  
19 and no later than thirty days after its publication.

20 (3) Once approved, the adjusted tabulation of population shall be the  
21 population data utilized by the legislature to establish districts for the election of  
22 members to each house of the legislature, the election of members of the United  
23 States House of Representatives, the election of members of the Public Service  
24 Commission, the election of members of the Board of Elementary and Secondary  
25 Education, and the election districts of any other office or jurisdiction that is required  
26 to be established or changed by law.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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)