

2020 Regular Session

HOUSE BILL NO. 625

BY REPRESENTATIVES JAMES AND FREEMAN

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

1 AN ACT

2 To amend and reenact R.S. 18:1906, relative to census tabulations for reapportionment and  
3 redistricting purposes; to provide for legislative findings; to provide the manner by  
4 which persons in correctional facilities shall be allocated for redistricting purposes;  
5 to provide procedures; to provide for certain duties and requirements of officials  
6 involved in corrections; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The Legislature of Louisiana finds that a prison cell should not be  
9 classified as a residence for any purpose. However, according to federal regulations for  
10 previous federal decennial censuses and for the 2020 Federal Decennial Census, the United  
11 States Census Bureau will count incarcerated persons at the place of their incarceration  
12 rather than their home addresses. The Legislature of Louisiana further finds that several  
13 local governmental bodies in Louisiana that have correctional facilities within their  
14 jurisdictions exclude incarcerated populations for the purposes of their own redistricting  
15 activities, recognizing that counting incarcerated people in their place of incarceration  
16 distorts the democratic process by allowing for the possibility of elected officials potentially  
17 representing smaller geography and fewer people in their communities than others on the  
18 same governing bodies. Therefore, the Legislature of Louisiana finds that the provisions of  
19 this Act are necessary to address this issue in an equitable manner.

20 Section 2. R.S. 18:1906 is hereby amended and reenacted to read as follows:

1 §1906. Tabulation for reapportionment; legislature; redistricting

2 A. In accordance with Article III, Section 6(A) of the Constitution of  
3 Louisiana, the tabulation of population for each decennial census<sub>2</sub> on the basis of  
4 which the legislature shall reapportion the representation in each house<sub>2</sub> shall be the  
5 tabulation of population reported and transmitted by the United States Bureau of the  
6 Census to the governor and the legislature within one year after the census date,  
7 under the provisions of Public Law 94-171. ~~Such tabulation of population shall be~~  
8 ~~the sole basis for the establishment of legislative districts, and no other or subsequent~~  
9 ~~tabulation of population shall be considered or utilized in such reapportionment.~~  
10 adjusted as provided in Subsection C of this Section.

11 B.(1) No later than September first of each year in which the federal  
12 decennial census is taken, the secretary of the Department of Public Safety and  
13 Corrections shall submit a report to the legislature containing the following  
14 information for each incarcerated person subject to the jurisdiction of the  
15 department, excluding youth services, on April first of that year:

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

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

19 (c) The residential address of such person immediately prior to incarceration,  
20 if known, or a residential address supplied by the person.

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

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

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

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

1           (c) The residential address of such person immediately prior to incarceration,  
2           if know, or a residential address supplied by the person.

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

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

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 know, or a residential address supplied by the person.

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

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

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

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

25          (c) The residential address of such person immediately prior to incarceration,  
26          if know, or a residential address supplied by the person.

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

28          (5) No later than July first of each year in which the federal decennial census  
29          is taken, the legislature shall request that the Federal Bureau of Prisons provide a

1 report to the legislature by September first of that year containing the following  
2 information for each incarcerated person residing, on April first of that year, in a  
3 facility managed by the bureau and within the boundaries of the state:

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

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

7 (c) The residential address of such person immediately prior to incarceration,  
8 if know, or a residential address supplied by the person.

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

10 C.(1) As soon as practicable after the receipt of the tabulation of population  
11 reported and transmitted by the United States Bureau of the Census under the  
12 provisions of Public Law 94-171, the designated staff of the legislature shall utilize  
13 the information submitted pursuant to Subsection B of this Section and shall prepare  
14 a draft adjustment of population as follows:

15 (a) If the residential address of the person immediately prior to incarceration  
16 is within the boundaries of the state, determine the census block corresponding to the  
17 address, add the person to the population tabulation for that census block, remove the  
18 person from the population tabulation for the census block in which the facility is  
19 located, and make all necessary adjustments to the population tabulations for all  
20 other applicable census geography to reflect the changes.

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

26 (2) The draft adjustment shall be published on the website of the legislature  
27 as soon as practicable following its completion and shall be submitted for approval  
28 by the House Committee on House and Governmental Affairs and the Senate  
29 Committee on Senate and Governmental Affairs at a joint meeting held no sooner

1 than five days after the draft adjustment is published on the website of the legislature  
2 and no later than thirty days after its publication.

3 (3) Once approved, the adjusted tabulation of population shall be the  
4 population data utilized by the legislature to establish districts for the election of  
5 members to each house of the legislature, the election of members of the United  
6 States House of Representatives, the election of members of the Public Service  
7 Commission, the election of members of the State Board of Elementary and  
8 Secondary Education, and the election districts of any other office or jurisdiction that  
9 is required to be established or changed by law.

10 D. Any local governing body who is required to redistrict following a federal  
11 decennial census may utilize the adjusted tabulation of population established  
12 pursuant to Subsection C of this Section for redistricting.

13 E. The adjusted tabulation of population established pursuant to Subsection  
14 C of this Section shall be utilized only for redistricting purposes and shall not be  
15 used as the basis for the distribution of any funding or aid or for any other purposes.

16 Section 3. No later than three months after the effective date of this Act, the  
17 Department of Public Safety and Corrections shall implement a system to, at a minimum,  
18 collect and maintain an electronic record of the last known complete street address prior to  
19 incarceration, race, ethnicity, and age for each person entering its custody to assist the  
20 department in complying with the provisions of this Act.

21 Section 4. This Act shall become effective upon signature by the governor or, if not  
22 signed by the governor, upon expiration of the time for bills to become law without signature  
23 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
24 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
25 effective on the day following such approval.

## 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 625 Original

2020 Regular Session

James

**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 or other address provided by the person, and if the residential address is outside of the state, unknown, or unreported, the incarcerated person shall be removed 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.

Proposed law provides certain legislative findings.

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 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 shall be the tabulation of population reported and transmitted by the U.S. Census Bureau 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 the chief law enforcement officer of each 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 know, or a residential address supplied by the person.
- (4) The age, sex, race, and ethnicity of the person.

Proposed law further requires the legislature, no later than July 1 of each year in which the federal decennial census is taken, to request the same information, in a report submitted by Sept. 1, from the Federal Bureau of Prisons for each incarcerated person residing, on April 1 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.

Proposed law provides that any local governing body who is required to redistrict following a federal decennial census may utilize the adjusted tabulation of population established pursuant to proposed law.

Proposed law prohibits the use of adjusted tabulation of population established pursuant to proposed law from being us the basis for the distribution of any funding or aid or for any other purposes other than redistricting.

Proposed law provides that no later than three months after the effective date proposed law, the DPS&C shall implement a system to, at a minimum, collect and maintain an electronic record of the last known complete street address prior to incarceration, race, ethnicity, and age for each person entering its custody to assist the department in complying with the provisions of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:1906)