

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.

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

2 §1906. Tabulation for reapportionment; legislature; redistricting

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (2) The draft adjustment shall be published on the website of the legislature
29 as soon as practicable following its completion and shall be submitted for approval

1 by the House Committee on House and Governmental Affairs and the Senate
2 Committee on Senate and Governmental Affairs at a joint meeting held no sooner
3 than five days after the draft adjustment is published on the website of the legislature
4 and no later than thirty days after its publication.

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

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

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

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

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

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 known, 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 that 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 as the basis for the distribution of funding or aid or for any purpose other than redistricting.

Proposed law provides that no later than three months after the effective date of 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Provide for technical changes.