

118TH CONGRESS
1ST SESSION

H. R. 2905

To amend title 13, United States Code, to provide that individuals in prison shall, for the purposes of a decennial census, be attributed to the last usual place of residence before incarceration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2023

Ms. ROSS (for herself, Mr. POCAN, Mr. CLEAVER, and Mrs. SYKES) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 13, United States Code, to provide that individuals in prison shall, for the purposes of a decennial census, be attributed to the last usual place of residence before incarceration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “End Prison Gerry-
5 mandering Act”.

1 **SEC. 2. RESIDENCE OF INCARCERATED INDIVIDUALS.**

2 (a) RESIDENCE.—Section 141 of title 13, United
3 States Code, is amended—

4 (1) by redesignating subsection (g) as sub-
5 section (h); and

6 (2) by inserting after subsection (f) the fol-
7 lowing:

8 “(g) Effective beginning with the 2030 decennial cen-
9 sus of population and every census thereafter, in taking
10 any census of population under subsection (a) the Sec-
11 retary shall, with respect to an individual incarcerated in
12 a State, Federal, county, or municipal correctional facility,
13 or in a youth correctional facility or detention center, as
14 of the decennial census date, attribute such individual to
15 such individual’s last usual place of residence before incar-
16 ceration.”.

17 (b) USE OF RESIDENCE FOR PURPOSES OF CON-
18 GRESSIONAL REDISTRICTING.—Section 22 of the Act enti-
19 tled “An Act to provide for the fifteenth and subsequent
20 decennial censuses and to provide for an apportionment
21 of Representatives in Congress”, approved June 18, 1929
22 (2 U.S.C. 2a), is amended by adding at the end the fol-
23 lowing new subsection:

24 “(d) If the tabulation of the number of persons in
25 a State under subsection (a) includes an individual incar-
26 cerated in a State, Federal, county, or municipal correc-

1 tional facility, or in a youth correctional facility or deten-
2 tion center, who is treated as a resident of the State be-
3 cause the tabulation attributes the individual to the indi-
4 vidual's last usual place of residence before incarceration,
5 as provided under section 141(g) of title 13, United States
6 Code, the State shall treat the individual's last usual place
7 of residence in the State before incarceration as the indi-
8 vidual's place of residence for purposes of congressional
9 redistricting.”.

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