

# SENATE, No. 587

## STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**SYNOPSIS**

Requires incarcerated individual from State to be counted at residential address for legislative redistricting purposes.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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1 AN ACT requiring the counting of an incarcerated individual at the  
2 individual's residential address for legislative redistricting  
3 purposes and supplementing Title 52 of the Revised Statutes.  
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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:  
7

8 1. The Department of Corrections shall collect and maintain an  
9 electronic record of the residential address of each individual  
10 entering its custody starting on the 30th day following the date of  
11 enactment of P.L. , c. (C. )(pending before the Legislature  
12 as this bill). At a minimum, this record shall contain the last known  
13 complete street address of each such individual prior to  
14 incarceration, the individual's race, whether the individual is of  
15 Hispanic or Latino origin, and whether the person is over the age of  
16 18. To the degree possible, the record shall also permit an  
17 alternative residential address to be updated, as appropriate. For the  
18 purposes of P.L. , c. (C. )(pending before the Legislature as  
19 this bill), the classification of an individual's race, ethnic origin,  
20 and age shall be the same as used by the United States Bureau of  
21 the Census for the purposes of Pub.L.94-171 (13 U.S.C. s.141).  
22

23 2. a. In each year in which the federal decennial census is  
24 taken and in which the United States Bureau of the Census  
25 enumerates incarcerated persons as residents of correctional  
26 facilities, the Department of Corrections shall, by May 1st of that  
27 year, deliver to the Secretary of State:

28 (1) a unique identifier, not including the name, for each  
29 incarcerated individual subject to the jurisdiction of the department  
30 on the date the bureau completes the federal decennial census for  
31 the State;

32 (2) the street address of the correctional facility in which the  
33 individual was incarcerated at the time of the report;

34 (3) the residential address of the individual prior to  
35 incarceration or alternative residential address, if known;

36 (4) the individual's race, whether the individual is of Hispanic or  
37 Latino origin, and whether the individual is over the age of 18, if  
38 known; and

39 (5) any additional information the secretary may deem  
40 necessary.

41 b. The department shall provide the information specified in  
42 subsection a. of this section in such form as the secretary shall  
43 specify.

44 c. Notwithstanding any other provision of law, the information  
45 required to be provided under this section shall not include the  
46 name of any incarcerated individual and shall not allow for the  
47 identification of any such individual therefrom. The identity of  
48 each such individual shall be treated as confidential and shall not  
49 otherwise be disclosed except as aggregated by census block for

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1 purposes specified in section 5 of P.L. , c. (C. )(pending  
2 before the Legislature as this bill).

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4 3. The secretary shall request of each agency that operates a  
5 federal facility in this State that incarcerates persons convicted of a  
6 criminal offense to provide the secretary with a report that includes  
7 the information specified in section 2 of P.L. ,  
8 c. (C. )(pending before the Legislature as this bill).

9

10 4. a. For each individual included in a report received under  
11 sections 2 and 3 of P.L. , c. (C. )(pending before the  
12 Legislature as this bill), the secretary shall determine the  
13 geographic units for which population counts are reported in the  
14 federal decennial census that contain the address of the facility in  
15 which the individual was incarcerated and the residential address of  
16 the individual, as listed according to the report.

17 No later than December 31st of each year in which the federal  
18 decennial census is taken and in which the United States Bureau of  
19 the Census enumerates incarcerated persons as residents of the  
20 geographic units in which the correctional facilities are located, the  
21 secretary shall report to the members of the Apportionment  
22 Commission, established pursuant to Article IV, Section III,  
23 paragraphs 1 through 3 of the New Jersey Constitution, that this  
24 determination has been completed.

25 b. For each individual included in a report received under  
26 sections 2 and 3 of P.L. , c. (C. )(pending before the  
27 Legislature as this bill), if the residential address of the individual is  
28 known and located in this State, the secretary shall:

29 (1) re-allocate all relevant population counts reported in the  
30 census to reflect residential address, as determined under sections 2  
31 and 3, on the date the Bureau of the Census completes the federal  
32 decennial census for the State; and

33 (2) ensure that the individual is not represented in any  
34 applicable population counts reported in the federal decennial  
35 census for the geographic units that include the facility at which the  
36 person was incarcerated on the day the bureau completes the federal  
37 decennial census for this State.

38 c. For each individual included in a report received under  
39 sections 2 and 3 of P.L. , c. (C. )(pending before the  
40 Legislature as this bill), and for all persons reported in the census as  
41 residing in a federal correctional facility for whom a report was not  
42 provided, if the residential address of the individual is not known or  
43 not located in this State, the secretary shall:

44 (1) re-allocate all relevant population counts reported in the  
45 census to reflect that the person resided at an unknown geographic  
46 location within the State on the day the bureau completes the  
47 federal decennial census for this State; and

48 (2) ensure that the individual is not represented in any  
49 applicable population counts reported in the federal decennial

1 census for the geographic units that include the facility at which the  
2 person was incarcerated on the day the bureau completes the federal  
3 decennial census for this State.

4  
5 5. The Secretary of State shall report the data as determined  
6 under section 4 of P.L. , c. (C. )(pending before the  
7 Legislature as this bill) to the members of the Apportionment  
8 Commission, established pursuant to Article IV, Section III,  
9 paragraphs 1 through 3 of the New Jersey Constitution, not later  
10 than the seventh day after the Governor receives the data provided  
11 pursuant to Pub.L.94-171 (13 U.S.C. s.141) for this State from the  
12 United States Bureau of the Census. The data prepared by the  
13 secretary under section 4 of P.L. , c. (C. )(pending before  
14 the Legislature as this bill), together with data provided by the  
15 bureau pursuant to Pub.L.94-171 (13 U.S.C. s.141), shall be the  
16 basis of the legislative districts established by the Apportionment  
17 Commission. To the greatest extent practicable, districts shall be  
18 drawn so as to meet equal population requirements calculated under  
19 both data sets. Residences at unknown geographic locations within  
20 the State described in section 4 of P.L. , c. (C. )(pending  
21 before the Legislature as this bill) shall not be used to determine the  
22 ideal population of any set of districts or wards.

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24 6. This act shall take effect immediately.

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#### STATEMENT

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29 This bill requires that individuals who are incarcerated in State  
30 and federal facilities in the State are to be counted at the  
31 individual's last known complete street address for legislative  
32 redistricting purposes.

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34 Under the bill, the State Department of Corrections is to collect  
35 and maintain an electronic record of the residential address of each  
36 individual entering its custody starting on the 30th day following  
37 the date of enactment of the bill. At a minimum, this record would  
38 contain the last known complete street address of each such  
39 individual prior to incarceration, the individual's race, whether the  
40 individual is of Hispanic or Latino origin, and whether the person is  
41 over the age of 18. For the purposes of the bill, the classification of  
42 an individual's race, ethnic origin, and age would be the same as  
43 used by the United States Bureau of the Census for the purposes of  
44 Pub.L.94-171 (13 U.S.C. s.141).

44

45 The information to be included in the report filed with the  
46 Secretary of State provides:

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47 1) a unique identifier, not including the name, for each  
48 incarcerated individual subject to the jurisdiction of the department  
49 on the date the bureau completes the federal decennial census for  
the State;

1       2) the street address of the correctional facility in which the  
2 individual was incarcerated at the time of the report;

3       3) the residential address of the individual prior to  
4 incarceration or alternative residential address, if known;

5       4) the individual's race, whether the individual is of Hispanic or  
6 Latino origin, and whether the individual is over the age of 18, if  
7 known; and

8       5) any additional information the secretary may deem  
9 necessary.

10       The secretary is to determine the geographic units for which  
11 population counts are reported in the federal decennial census that  
12 contain the address of the facility in which the individual was  
13 incarcerated and the residential address of the individual. If the  
14 individual's residential address is known, the secretary is to:

15       1) re-allocate all relevant population counts to reflect the  
16 individual's residential address on the date the federal decennial  
17 census for the State is completed; and

18       2) ensure that the individual is not represented in any  
19 applicable population counts reported in the census for the  
20 geographic units that include the facility at which the person was  
21 incarcerated on the day the census for this State is completed.

22       If the residential address of the individual is not known or not  
23 located in this State, the secretary is to:

24       1) re-allocate all relevant population counts reported in the  
25 census to reflect that the person resided at an unknown geographic  
26 location within the State on the day the census for this State is  
27 completed; and

28       2) ensure that the individual is not represented in any  
29 applicable population counts reported in the census for the  
30 geographic units that include the facility at which the person was  
31 incarcerated on the day the census for this State is completed.

32       When this is completed, the secretary is to report the data to the  
33 members of the Apportionment Commission, established pursuant  
34 to Article IV, Section III, paragraphs 1 through 3 of the New Jersey  
35 Constitution, not later than the seventh day after the Governor  
36 receives the census data required pursuant to federal law for this  
37 State from the Bureau of the Census. The data prepared by the  
38 secretary under the bill, together with data provided by the bureau,  
39 is to be the basis of the legislative districts established by the  
40 Apportionment Commission.

41       The bill also provides that to the greatest extent practicable,  
42 districts are to be drawn so as to meet equal population  
43 requirements calculated under both data sets. Residences at  
44 unknown geographic locations within the State are not to be used to  
45 determine the ideal population of any set of districts or wards.