

SENATE, No. 1055

STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED JANUARY 23, 2012

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

As introduced.



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2

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.

4

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 after January 1, 2012. At a minimum, this
11 record shall contain the last known complete street address of each
12 such individual prior to incarceration, the individual's race, whether
13 the individual is of Hispanic or Latino origin, and whether the
14 person is over the age of 18. To the degree possible, the record
15 shall also permit an alternative residential address to be updated, as
16 appropriate.

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

23 (1) a unique identifier, not including the name, for each
24 incarcerated individual subject to the jurisdiction of the department
25 on the date the bureau completes the federal decennial census for
26 the State;

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

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

31 (4) the individual's race, whether the individual is of Hispanic or
32 Latino origin, and whether the individual is over the age of 18, if
33 known; and

34 (5) any additional information the secretary may deem
35 necessary.

36 b. The department shall provide the information specified in
37 subsection a. of this section in such form as the secretary shall
38 specify.

39 c. Notwithstanding any other provision of law, the information
40 required to be provided under this section shall not include the
41 name of any incarcerated individual and shall not allow for the
42 identification of any such individual therefrom. The identity of
43 each such individual shall be treated as confidential and shall not
44 otherwise be disclosed except as aggregated by census block for
45 purposes specified in section 5 of P.L. , c. (C.)(pending
46 before the Legislature as this bill).

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

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

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

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

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

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

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

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

45 (2) ensure that the individual is not represented in any
46 applicable population counts reported in the federal decennial
47 census for the geographic units that include the facility at which the

1 person was incarcerated on the day the bureau completes the federal
2 decennial census for this State.

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

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23 6. This act shall take effect immediately.

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STATEMENT

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28 This bill requires that incarcerated individuals in State and
29 federal facilities in the State be counted at the individual's
30 residential address for legislative redistricting purposes.

31 Under the bill, the State Department of Corrections is to collect
32 and maintain an electronic record of the residential address of each
33 individual entering its custody after January 1, 2012. The
34 information is to be included in a report to the Secretary of State
35 that provides:

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

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

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

44 4) the individual's race, whether the individual is of Hispanic or
45 Latino origin, and whether the individual is over the age of 18, if
46 known; and

47 5) any additional information the secretary may deem necessary.

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1 The secretary is then required to determine the geographic units
2 for which population counts are reported in the federal decennial
3 census that contain the address of the facility in which the
4 individual was incarcerated and the residential address of the
5 individual. When this task is completed, the secretary is to report
6 this data to the members of the Apportionment Commission,
7 established pursuant to Article IV, Section III, paragraphs 1 through
8 3 of the New Jersey Constitution, not later than the seventh day
9 after the Governor receives the data required pursuant to federal law
10 for this State from the United States Bureau of the Census. The
11 data prepared by the secretary under the bill, together with data
12 provided by the bureau, is to be the basis of the legislative districts
13 established by the Apportionment Commission.

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