

SENATE, No. 758

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Senator NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

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.



(Sponsorship Updated As Of: 9/28/2018)

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:
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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).
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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

1 otherwise be disclosed except as aggregated by census block for
2 purposes specified in section 5 of P.L. , c. (C.)(pending
3 before the Legislature as this bill).

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

10

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

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

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

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

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

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

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

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

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

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26 6. This act shall take effect immediately.

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29 STATEMENT

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31 This bill provides that individuals who are incarcerated in the
32 State are to be counted at the individual's last known complete
33 street address for legislative redistricting purposes.

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).

45 In each year in which the federal decennial census is taken and in
46 which the Bureau of the Census enumerates incarcerated persons as
47 residents of correctional facilities, the Department of Corrections
48 must, by May 1 of that year, deliver to the Secretary of State:

- 1 1) a unique identifier, not including the name, for each
- 2 incarcerated individual subject to the jurisdiction of the department
- 3 on the date the bureau completes the federal decennial census for
- 4 the State;
- 5 2) the street address of the correctional facility in which the
- 6 individual was incarcerated at the time of the report;
- 7 3) the residential address of the individual prior to
- 8 incarceration or alternative residential address, if known;
- 9 4) the individual's race, whether the individual is of Hispanic or
- 10 Latino origin, and whether the individual is over the age of 18, if
- 11 known; and
- 12 5) any additional information the secretary may deem
- 13 necessary.

14 The secretary is also to request of each agency that operates a
15 federal facility in this State that incarcerates persons convicted of a
16 criminal offense a report with the same information as required to
17 be collected by the State Department of Corrections.

18 For each individual included in a report required by the bill, the
19 secretary is to determine the geographic units for which population
20 counts are reported in the federal decennial census that contain the
21 address of the facility in which the individual was incarcerated and
22 the residential address of the individual. If the individual's
23 residential address is known, the secretary is to:

- 24 1) re-allocate all relevant population counts to reflect the
- 25 individual's residential address on the date the federal decennial
- 26 census for the State is completed; and
- 27 2) ensure that the individual is not represented in any
- 28 applicable population counts reported in the census for the
- 29 geographic units that include the facility at which the person was
- 30 incarcerated on the day the census for this State is completed.

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

- 33 1) re-allocate all relevant population counts reported in the
- 34 census to reflect that the person resided at an unknown geographic
- 35 location within the State on the day the census for this State is
- 36 completed; and
- 37 2) ensure that the individual is not represented in any
- 38 applicable population counts reported in the census for the
- 39 geographic units that include the facility at which the person was
- 40 incarcerated on the day the census for this State is completed.

41 When this is completed, the secretary is to report the data to the
42 members of the Apportionment Commission, established pursuant
43 to Article IV, Section III, paragraphs 1 through 3 of the New Jersey
44 Constitution, not later than the seventh day after the Governor
45 receives the census data required pursuant to federal law for this
46 State from the Bureau of the Census. The data prepared by the
47 secretary under the bill, together with data provided by the bureau,

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1 is to be the basis of the legislative districts established by the
2 Apportionment Commission.

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