

# 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)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman RAJ MUKHERJI**

**District 33 (Hudson)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Co-Sponsored by:**

**Senator Pou, Assemblywoman Pinkin, Assemblymen Caputo, Holley, Assemblywomen Reynolds-Jackson, McKnight, Assemblyman Zwicker, Assemblywoman Jasey, Assemblyman Johnson, Assemblywoman Tucker and Assemblyman McKeon**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As reported by the Senate State Government, Wagering, Tourism & Historic Preservation Committee with technical review.

(Sponsorship Updated As Of: 1/14/2020)

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 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

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).

4  
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.