

Senate Bill 1028

Sponsored by Senator SHIELDS; Senator ROSENBAUM, Representatives HOLVEY, KAHL, KOTEK (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Department of Corrections to determine residency status of inmates in custody of department for purposes of legislative and congressional redistricting. Directs Legislative Assembly or Secretary of State, as applicable, to adjust United States Census Bureau data to reflect permanent residence status of inmates before beginning redistricting process.

Directs Legislative Assembly or Secretary of State, for purposes of redistricting, to consider resident inmate at location of permanent residence and not at location of facility in which inmate is physically located.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1 Relating to criminal offenders; and declaring an emergency.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. Section 2 of this 2010 Act is added to and made a part of ORS 188.010 to**
4 **188.285.**

5 **SECTION 2. (1) As used in this section:**

6 **(a) "Inmate" means a person committed to the physical and legal custody of the De-**
7 **partment of Corrections.**

8 **(b) "Nonresident" means any person who is not a resident.**

9 **(c) "Permanent residence" means a fixed place of abode or fixed domicile, other than a**
10 **department facility, where an inmate resided before being placed in the custody of the de-**
11 **partment.**

12 **(d) "Resident" means a person whose permanent residence is located in this state.**

13 **(2) The department shall determine whether each inmate is a resident or nonresident.**
14 **For inmates who are residents, the department shall determine the permanent residence of**
15 **the inmate, if such information is available. The department shall provide the information**
16 **to the Legislative Assembly and the Secretary of State not later than January 1 of the year**
17 **next following the conduct of the latest federal decennial census.**

18 **(3) Before apportioning congressional and legislative districts in this state, the Legisla-**
19 **tive Assembly or the Secretary of State, whichever is applicable, shall adjust the latest fed-**
20 **eral decennial census information obtained from the United States Census Bureau to reflect**
21 **the information provided under subsection (2) of this section.**

22 **(4) When apportioning congressional and legislative districts in this state, the Legislative**
23 **Assembly or the Secretary of State, whichever is applicable, shall consider resident inmates**
24 **to have a permanent residence at the location identified under subsection (2) of this section**
25 **and not at the location of the department facility in which the inmate is physically located,**
26 **unless the department is unable to determine the permanent residence of the inmate.**
27

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(5) This section does not apply to inmates who have been sentenced to death or life**
2 **imprisonment without the possibility of release or parole.**

3 **(6) Upon request of a city or county, the department shall make the residency data col-**
4 **lected under this section available to cities or counties for local redistricting purposes.**

5 **SECTION 3.** **This 2010 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**
7 **on its passage.**

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