

House Bill 2492

Sponsored by Representative HOLVEY, Senator PROZANSKI; Representatives NOSSE, PILUSO, SANCHEZ (Pre-session 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 last-known address of inmates in custody of department, if address is readily known or available to inmate, and submit information to Secretary of State. Directs secretary to adjust population data reported in federal decennial census to reflect residence status of inmates before incarceration.

Requires Legislative Assembly or Secretary of State, whichever is applicable, to reapportion state into legislative districts based on adjusted population data. Requires use of adjusted population data to apportion county or municipal boundaries.

A BILL FOR AN ACT

1
2 Relating to redistricting.

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

4 **SECTION 1. Sections 2 and 3 of this 2019 Act are added to and made a part of ORS 188.010**
5 **to 188.295.**

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

7 (a) **"Date of the census" means the date for which the federal decennial census reports**
8 **population.**

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

11 (c) **"Last-known address" means a residential address, other than a department facility,**
12 **at which an inmate resided before incarceration.**

13 (2) **The Department of Corrections shall by rule adopt an electronic filing system to re-**
14 **cord the following information for each inmate sentenced to the custody of the department**
15 **on or after the effective date of this 2019 Act:**

16 (a) **The last-known address of the inmate, if the address is readily known or available to**
17 **the inmate.**

18 (b) **The inmate's race and ethnicity.**

19 (c) **Whether the inmate is over the age of 18 years.**

20 (3) **Not later than May 1 of the year of the federal decennial census, the department shall**
21 **submit to the Secretary of State:**

22 (a) **A unique identifier for each inmate incarcerated on the date of the census.**

23 (b) **The address of the facility in which the inmate is incarcerated on the date of the**
24 **census.**

25 (c) **All information recorded for each inmate under subsection (2) of this section.**

26 (4) **Not later than 14 days after publication of census redistricting data for this state by**
27 **the United States Census Bureau, the Secretary of State shall:**

28 (a) **For each inmate determined to have a last-known address within this state:**

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 (A) Determine the geographic units for which population counts are reported in the fed-
 2 eral decennial census that contain the address of the facility of incarceration and the last-
 3 known address of the inmate;

4 (B) Adjust all relevant population counts reported in the federal decennial census as if
 5 the inmate resided at the inmate's last-known address on the date of the census; and

6 (C) Remove the inmate from any population count reported in the federal decennial cen-
 7 sus for the geographic units that include the facility of incarceration.

8 (b) For each inmate whose address is not known or not in this state:

9 (A) Adjust all relevant population counts reported in the federal decennial census as if
 10 the inmate resided at an unknown geographic location within this state on the date of the
 11 census.

12 (B) Ensure that the inmate is not represented in any population count reported in the
 13 federal decennial census for the geographic units that include the facility of incarceration for
 14 the inmate on the date of the census.

15 (5) The Secretary of State may seek the assistance of the United States Census Bureau
 16 in making the adjustments described in subsection (4) of this section.

17 (6) The adjusted population data prepared by the Secretary of State under this section
 18 shall be the population data used by the Legislative Assembly or the Secretary of State,
 19 whichever is applicable, when apportioning the state into legislative districts. Residents of
 20 unknown geographic locations within this state or at residences not in this state may not
 21 be used to determine the average population of any geographic unit for purposes of appor-
 22 tioning the state into legislative districts.

23 (7) The Secretary of State shall request that each federal facility of incarceration located
 24 in this state submit the information described in subsection (2) of this section regarding each
 25 person incarcerated in the facility.

26 (8) The Secretary of State by rule shall prescribe a form to be used to submit information
 27 to the secretary as required by this section.

28 (9)(a) Except as otherwise provided in this section, any information provided to the Sec-
 29 retary of State under this section is confidential. The name of each inmate for whom infor-
 30 mation is submitted to the secretary under this section may not be linked to the information
 31 submitted. Each inmate's name is confidential and may not be disclosed, except that the in-
 32 formation may be aggregated by geographic unit for the purpose of apportioning the state
 33 into legislative districts as described in this section.

34 (b) The unique identifier described in subsection (3) of this section may not:

35 (A) Indicate any identification number otherwise used for the inmate; or

36 (B) Allow any person, other than the Department of Corrections, to associate an address
 37 with an inmate.

38 **SECTION 3.** (1) The adjusted population data prepared by the Secretary of State under
 39 section 2 of this 2019 Act shall be the population data used to apportion county or municipal
 40 boundaries. Residents of unknown geographic locations within this state or at residences
 41 not in this state may not be used to determine the average population of any geographic unit
 42 for purposes of apportioning county or municipal boundaries.

43 (2) The adjusted population data prepared by the Secretary of State under section 2 of
 44 this 2019 Act shall be used only when apportioning the state into legislative districts and as
 45 described in subsection (1) of this section, and may not be used for any other purpose.

