



# Senate

General Assembly

**File No. 448**

January Session, 2021

Substitute Senate Bill No. 753

*Senate, April 14, 2021*

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective from passage*) (a) (1) On or before the first  
2 day of May next following the year in which the decennial census of the  
3 United States is taken and in which the United States Census Bureau  
4 counts any incarcerated individual as a resident of the town in which  
5 such incarcerated individual's respective correctional facility is located,  
6 the Department of Correction shall deliver to the Secretary of the Office  
7 of Policy and Management in such form as the secretary shall prescribe:
- 8 (A) A unique identifier for each incarcerated individual subject to the  
9 jurisdiction of the department on the date for which the decennial  
10 census reports population;
- 11 (B) The street address of the correctional facility in which such  
12 individual was incarcerated at the time of such report;

13 (C) The residential or other address of such individual prior to  
14 incarceration;

15 (D) An indication of whether such individual has attained the age of  
16 eighteen years;

17 (E) Such individual's race and whether such individual is of Hispanic  
18 or Latino origin, if known; and

19 (F) Any additional information the secretary may request pursuant  
20 to law.

21 (2) Notwithstanding any provision of the general statutes, the  
22 information required to be provided under this subsection shall not  
23 include the name of any incarcerated individual or in any other way  
24 allow for the identification of any such individual from such  
25 information. Such information shall be confidential and not otherwise  
26 disclosed, except to the secretary for the purposes of subsection (c) of  
27 this section, or as aggregated by census block for the purposes of  
28 subsection (d) of this section.

29 (b) On or before the first day of May next following the year in which  
30 the decennial census of the United States is taken and in which the  
31 United States Census Bureau counts any incarcerated individual as a  
32 resident of the town in which such incarcerated individual's respective  
33 correctional facility is located, the Secretary of the Office of Policy and  
34 Management shall request each agency that operates a federal  
35 correctional facility in this state to provide the secretary with a report  
36 including the information listed in subdivision (1) of subsection (a) of  
37 this section.

38 (c) (1) For each individual included in a report received under  
39 subsection (a) or (b) of this section, the Secretary of the Office of Policy  
40 and Management shall determine the geographic units for which  
41 population counts are reported in the decennial census of the United  
42 States, which units contain the address of the facility in which such  
43 individual was incarcerated, and such individual's prior residential or

44 other address as listed in such report.

45 (2) For each individual included in a report received under subsection  
46 (a) or (b) of this section, if such individual's prior residential or other  
47 address is known and in this state, the secretary shall adjust such  
48 information to:

49 (A) Ensure that all relevant population counts reported in the  
50 decennial census are as if such individual resided at such address on the  
51 date for which the census reports population; and

52 (B) Ensure that such individual is not represented in any applicable  
53 population count reported in the decennial census for the geographic  
54 units that include the facility in which such individual was incarcerated  
55 on the date for which the census reports population.

56 (3) For each individual included in a report received under subsection  
57 (a) or (b) of this section whose residential or other address is unknown  
58 or not in this state, and for each individual reported in the decennial  
59 census as residing in a federal correctional facility for whom a report  
60 was not provided, the secretary shall adjust such information to:

61 (A) Ensure that such individual is not represented in any applicable  
62 population count reported in the decennial census for the geographic  
63 units that include the facility in which such individual was incarcerated  
64 on the date for which the census reports population; and

65 (B) Ensure that such individual is counted as part of a state unit not  
66 tied to a specific geographical location, in the same manner that an  
67 individual with an unknown state of residency is counted, including,  
68 but not limited to, military and federal government personnel stationed  
69 abroad.

70 (d) The Secretary of the Office of Policy and Management shall  
71 prepare and publish such information adjusted pursuant to subsection  
72 (c) of this section on or before either the first day of July next following  
73 the year in which the decennial census of the United States is taken or  
74 the thirtieth day after the publication of the redistricting data for this

75 state by the United States Census Bureau in such year, whichever is  
 76 later, and such adjusted information shall be the basis for determining  
 77 state assembly and senatorial districts, as well as municipal voting  
 78 districts. No residence at an unknown geographical location within the  
 79 state under subdivision (3) of subsection (c) of this section may be used  
 80 to determine the average population of any set of districts. The secretary  
 81 shall notify each municipality that the adjusted information shall be  
 82 used for the purposes of determining municipal voting districts.

83 (e) The Department of Correction shall determine the residential or  
 84 other address of each individual committed to the custody of the  
 85 department on or after January 1, 2020, and maintain an electronic  
 86 record of such address. Such record shall contain, at a minimum, the  
 87 last-known residential or other address of each individual prior to  
 88 incarceration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

**Statement of Legislative Commissioners:**

In the last sentence of Subsec. (d), "such information" was changed to "the adjusted information" for clarity.

**GAE**      *Joint Favorable Subst.*

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill creates a process for the Office of Policy and Management (OPM) to adjust U.S. Census population data and count inmates at their addresses before incarceration, instead of at their prison address. This has no fiscal impact to OPM, as it is anticipated that the agency can meet the requirement with existing resources.

As the bill does not require the adjusted data to be used for determining any grant funding, the bill has no fiscal impact to municipalities.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 753*****AN ACT CONCERNING THE COUNTING OF INCARCERATED PERSONS FOR PURPOSES OF DETERMINING LEGISLATIVE DISTRICTS.*****SUMMARY**

This bill creates a process to adjust U.S. Census population data and count inmates at their addresses before incarceration, instead of at their prison address. The adjusted data must be the basis for determining state legislative districts and municipal voting districts.

The bill's process requires the:

1. Department of Correction (DOC) to provide the Office of Policy and Management (OPM) secretary with a list of inmates and their residential or other addresses prior to incarceration;
2. OPM secretary to ask federal agencies for a similar list for federal prisons in Connecticut;
3. OPM to adjust the census population counts so inmates are represented as residing at their prior residential address, not at their prison address; and
4. secretary to prepare and publish the adjusted data and notify municipalities that they must use it for determining municipal voting districts.

The bill prohibits using residences at unknown geographic locations within the state to determine the average population for any set of districts.

EFFECTIVE DATE: Upon passage

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**DOC REPORT TO OPM**

The bill requires DOC to determine the residential street or other address of everyone committed to DOC custody on or after January 1, 2020. DOC must maintain an electronic record of the addresses that at least contains each inmate's last-known residential or other address before incarceration.

The bill requires DOC, by May 1 in the year following the year when the U.S. decennial census is taken and the U.S. Census Bureau counts inmates as residents of the town where they are incarcerated, to provide the OPM secretary, in a form the secretary prescribes, with the following:

1. a unique identifier for each inmate under DOC's jurisdiction on the date when the decennial census reports population;
2. the street address of the prison where the person is incarcerated at the time of the report;
3. the residential or other address of the person before incarceration;
4. information about whether the person is age 18 or older;
5. the person's race and whether he or she is of Hispanic or Latino origin, if known; and
6. other information the secretary may legally request.

The bill prohibits including the inmate's name or anything else that might identify the inmate. It makes the information confidential and prohibits its disclosure, except to OPM or as aggregated by census block for the bill's purposes.

**OPM REQUEST TO FEDERAL PRISON AUTHORITIES**

The bill requires the OPM secretary, by May 1 in the year following the year when the U.S. census is taken and the U.S. Census Bureau counts inmates as residents of the towns in which they are incarcerated,

to ask each agency operating a federal correctional facility in Connecticut for a report that includes the same information as the DOC report (see above).

### **OPM REASSIGNMENT OF INMATE ADDRESSES**

For each person included in a DOC or federal agency report, the bill requires the OPM secretary to determine the geographic units (census blocks) in the census that contain the person's (1) correctional facility and (2) prior residential or other address. When the inmate's prior address is known and in Connecticut, OPM must adjust the population counts of geographic units reported in the census to represent the inmate as residing at that address when the census reports population, and not at the prison address.

For inmates with unknown or out-of-state addresses or residing in federal prisons for which a report was not provided, the bill requires OPM to ensure that these inmates are not counted in the geographic unit of the inmate's prison. Instead, they must be counted as part of a state unit not tied to a specific geographical determination in the way that someone with an unknown state of residency is counted (such as military and federal government personnel stationed abroad).

### **OPM PUBLICATION OF ADJUSTED DATA**

The bill requires the OPM secretary to prepare and publish the adjusted data by the later of (1) July 1 in the year following the year when the U.S. census is taken or (2) 30 days after the U.S. Census Bureau's publication of Connecticut state redistricting data. Under federal law, the census must publish this data for each state within one year of Census Day. (During the last cycle, Connecticut received this data on March 9, 2011. This cycle, because of COVID-19-related delays, the state will likely receive the data in August and September of 2021.)

### **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 13    Nay 5    (03/29/2021)