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AB-2172 Redistricting: inmates. (2017-2018)

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Assembly Bill No. 2172

CHAPTER 232

An act to amend Section 21003 of the Elections Code, relating to elections.

[Approved by Governor August 28, 2018. Filed with Secretary of State August 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2172, Weber. Redistricting: inmates.

(1) The California Constitution establishes the Citizens Redistricting Commission and charges it with various responsibilities in connection with redistricting Assembly, Senate, State Board of Equalization, and congressional districts. Existing law requires the Department of Corrections and Rehabilitation to furnish to the Citizens Redistricting Commission specified information regarding the last known place of residence of each inmate incarcerated in a state adult correctional facility on April 1, 2020, and on each decennial Census Day thereafter, except an inmate in federal custody or whose last known place of residence is outside of California or unknown. Existing law requires the information furnished by the Department of Corrections and Rehabilitation to be sufficiently specific, or as specific as feasible, depending on whether the department's Statewide Offender Management System is fully operational on or before April 1, 2020.

This bill would require the Department of Corrections and Rehabilitation to furnish both the Legislature and the Citizens Redistricting Commission residential address and other information, as specified, for each inmate incarcerated in a facility under the Department's control on the dates specified above, including an inmate whose last place of residence is outside of California or unknown, but excluding an inmate who has been transferred to a facility outside of California. The bill would delete the provision described above that is contingent upon the Statewide Offender Management System being fully operational on or before April 1, 2020. The bill would also direct the Legislature to ensure that the information furnished by the Department of Corrections and Rehabilitation is included in a specified computerized database, but would prohibit publishing information regarding specific inmates.

(2) Existing law requests that the Citizens Redistricting Commission use the information furnished by the Department of Corrections and Rehabilitation in carrying out its redistricting responsibilities, and that the Commission deem each incarcerated person as residing at his or her last known place of residence rather than the institution of his or her incarceration.

This bill would provide that an inmate's "last known place of residence" means the most recent residential address that is sufficiently specific to be assigned a census block or, if the address information is not sufficiently specific, a randomly-determined census block located within the smallest geographical area that can be identified based on the information provided by the Department of Corrections and Rehabilitation.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21003 of the Elections Code is amended to read:

21003. (a) (1) Not sooner than April 1, 2020, and not later than July 1, 2020, the Department of Corrections and Rehabilitation shall furnish to the Legislature and the Citizens Redistricting Commission, in the form of a single electronic file for each database maintained by the Department, information regarding each inmate incarcerated in a state correctional facility on April 1, 2020. For purposes of this section, a "state correctional facility" means a facility under the control of the Department of Corrections and Rehabilitation.

(2) The information furnished by the Department of Corrections and Rehabilitation pursuant to paragraph (1) shall include the following for each inmate:

(A) A unique identifier, other than the inmate's name or Department of Corrections and Rehabilitation number.

(B) Any information maintained by the Department of Corrections and Rehabilitation about the residential address or addresses at which the inmate was domiciled before the inmate's most current term of incarceration, including any available information about the date on which each address was added to records maintained by the Department. If the Department of Corrections and Rehabilitation does not have any residential address information for an inmate, the information furnished by the Department shall state that fact.

(C) The inmate's ethnicity, as identified by the inmate, and the inmate's race, to the extent such information is maintained by the Department of Corrections and Rehabilitation.

(D) The address of the state correctional facility where the inmate is incarcerated on the decennial Census Day.

(3) In 2030 and in each year ending in the number zero thereafter, the Department of Corrections and Rehabilitation shall furnish, in the form of a single electronic file for each database maintained by the Department, the information specified in paragraphs (1) and (2) for each inmate incarcerated in a state correctional facility on the decennial Census Day to the Legislature and the Citizens Redistricting Commission not sooner than the decennial Census Day and not later than 90 days thereafter.

(4) The Department of Corrections and Rehabilitation shall exclude all inmates in federal custody in a facility within California from the information furnished pursuant to this section.

(b) In order to comply with its obligation to ensure that a complete and accurate computerized database is available for redistricting in accordance with subdivision (b) of Section 8253 of the Government Code, the Legislature, in coordination with the Citizens Redistricting Commission, shall ensure that the information provided by the Department of Corrections and Rehabilitation pursuant to subdivision (a) is included in that computerized database.

(c) Notwithstanding subdivision (b), and regardless of the form in which the information is furnished by the Department of Corrections and Rehabilitation, the Legislature or the Citizens Redistricting Commission shall not publish information regarding the race, ethnicity, or prior residential addresses of specific inmates.

(d) Consistent with Section 2025, the Legislature hereby requests the Citizens Redistricting Commission to deem each incarcerated person as residing at his or her last known place of residence, rather than at the institution of his or her incarceration, and to use the information furnished to it pursuant to subdivision (a) in carrying out its redistricting responsibilities under Article XXI of the California Constitution. The Legislature also requests the Citizens Redistricting Commission to do all of the following when it uses information regarding inmates that is furnished pursuant to this section:

(1) Deem an inmate incarcerated in a state correctional facility for whom the last known place of residence is either outside California or cannot be determined, or an inmate in federal custody in a facility within California, to reside at an unknown geographical location in the state and exclude the inmate from the population count for any district, ward, or precinct.

(2) Adjust race and ethnicity data in districts, wards, and precincts that contain prisons in a manner that reflects reductions in the local population as inmates are included in the population count of the district, ward, or precinct of their last known place of residence and, to the extent practicable, those deemed to reside at an unknown geographic location.

(e) For purposes of this section, "last known place of residence" means the most recent residential address of an inmate before the inmate's most current term of incarceration that is sufficiently specific to be assigned to a census block, as determined from information furnished by the Department of Corrections and Rehabilitation in accordance with this section. In the case of an inmate for whom residential address information is available but is not sufficiently specific to allow the address to be assigned to a census block, the "last known place of residence" means a randomly-determined census block located within the smallest

geographical area that can be identified based on the residential address information furnished by the Department of Corrections and Rehabilitation.