

## CHAPTER 385

**AN ACT** requiring the counting of an incarcerated individual at the individual's residential address for legislative redistricting purposes and supplementing Title 52 of the Revised Statutes.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.52:4-1.1 Collection, maintenance of information concerning incarcerated individuals.

1. The Department of Corrections shall collect and maintain an electronic record of the residential address of each individual entering its custody starting on the 30th day following the date of enactment of P.L.2019, c.385 (C.52:4-1.1 et seq.). At a minimum, this record shall contain the last known complete street address of each such individual prior to incarceration, the individual's race, whether the individual is of Hispanic or Latino origin, and whether the person is over the age of 18. To the degree possible, the record shall also permit an alternative residential address to be updated, as appropriate. For the purposes of P.L.2019, c.385 (C.52:4-1.1 et seq.), the classification of an individual's race, ethnic origin, and age shall be the same as used by the United States Bureau of the Census for the purposes of Pub.L.94-171 (13 U.S.C. s.141).

C.52:4-1.2 Information concerning incarcerated individuals to be delivered to the Secretary of State.

2. a. In each year in which the federal decennial census is taken and in which the United States Bureau of the Census enumerates incarcerated persons as residents of correctional facilities, the Department of Corrections shall, by May 1st of that year, deliver to the Secretary of State:

(1) a unique identifier, not including the name, for each incarcerated individual subject to the jurisdiction of the department on the date the bureau completes the federal decennial census for the State;

(2) the street address of the correctional facility in which the individual was incarcerated at the time of the report;

(3) the residential address of the individual prior to incarceration or alternative residential address, if known;

(4) the individual's race, whether the individual is of Hispanic or Latino origin, and whether the individual is over the age of 18, if known; and

(5) any additional information the secretary may deem necessary.

b. The department shall provide the information specified in subsection a. of this section in such form as the secretary shall specify.

c. Notwithstanding any other provision of law, the information required to be provided under this section shall not include the name of any incarcerated individual and shall not allow for the identification of any such individual therefrom. The identity of each such individual shall be treated as confidential and shall not otherwise be disclosed except as aggregated by census block for purposes specified in section 5 of P.L.2019, c.385 (C.52:4-1.5).

C.52:4-1.3 Request for report.

3. The secretary shall request of each agency that operates a federal facility in this State that incarcerates persons convicted of a criminal offense to provide the secretary with a report that includes the information specified in section 2 of P.L.2019, c.385 (C.52:4-1.2).

C.52:4-1.4 Geographic units of population counts.

4. a. For each individual included in a report received under sections 2 and 3 of P.L.2019, c.385 (C.52:4-1.2 and C.52:4-1.3), the secretary shall determine the geographic units for which population counts are reported in the federal decennial census that contain the address of the facility in which the individual was incarcerated and the residential address of the individual, as listed according to the report.

No later than December 31st of each year in which the federal decennial census is taken and in which the United States Bureau of the Census enumerates incarcerated persons as residents of the geographic units in which the correctional facilities are located, the secretary shall report to the members of the Apportionment Commission, established pursuant to Article IV, Section III, paragraphs 1 through 3 of the New Jersey Constitution, that this determination has been completed.

b. For each individual included in a report received under sections 2 and 3 of P.L.2019, c.385 (C.52:4-1.2 and C.52:4-1.3), if the residential address of the individual is known and located in this State, the secretary shall:

(1) re-allocate all relevant population counts reported in the census to reflect residential address, as determined under sections 2 and 3, on the date the Bureau of the Census completes the federal decennial census for the State; and

(2) ensure that the individual is not represented in any applicable population counts reported in the federal decennial census for the geographic units that include the facility at which the person was incarcerated on the day the bureau completes the federal decennial census for this State.

c. For each individual included in a report received under sections 2 and 3 of P.L.2019, c.385 (C.52:4-1.2 and C.52:4-1.3), and for all persons reported in the census as residing in a federal correctional facility for whom a report was not provided, if the residential address of the individual is not known or not located in this State, the secretary shall:

(1) re-allocate all relevant population counts reported in the census to reflect that the person resided at an unknown geographic location within the State on the day the bureau completes the federal decennial census for this State; and

(2) ensure that the individual is not represented in any applicable population counts reported in the federal decennial census for the geographic units that include the facility at which the person was incarcerated on the day the bureau completes the federal decennial census for this State.

C.52:4-1.5 Report of data to Apportionment Commission.

5. The Secretary of State shall report the data as determined under section 4 of P.L.2019, c.385 (C.52:4-1.4) to the members of the Apportionment Commission, established pursuant to Article IV, Section III, paragraphs 1 through 3 of the New Jersey Constitution, not later than the seventh day after the Governor receives the data provided pursuant to Pub.L.94-171 (13 U.S.C. s.141) for this State from the United States Bureau of the Census. The data prepared by the secretary under section 4 of P.L.2019, c.385 (C.52:4-1.4), together with data provided by the bureau pursuant to Pub.L.94-171 (13 U.S.C. s.141), shall be the basis of the legislative districts established by the Apportionment Commission. To the greatest extent practicable, districts shall be drawn so as to meet equal population requirements calculated under both data sets. Residences at unknown geographic locations within the State described in section 4 of P.L.2019, c.385 (C.52:4-1.4) shall not be used to determine the ideal population of any set of districts or wards.

6. This act shall take effect immediately.

Approved January 21, 2020.