



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB7338

Introduced 10/22/04, by Rep. Arthur L. Turner

SYNOPSIS AS INTRODUCED:

New Act

Creates the Prisoner Census Adjustment Act. For purposes of creating election districts and redistricting, requires that State and local governmental bodies use census figures adjusted to reflect the pre-incarceration addresses of persons imprisoned in State or federal facilities in Illinois. Requires the Secretary of State to make the adjustments based upon information reported by State and local governmental entities that operate or place persons in facilities. Imposes the requirements beginning after the next federal decennial census.

LRB093 23256 JAM 53231 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning census information.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Prisoner Census Adjustment Act.

6 Section 10. Distribution of census information. Not later
7 than the next September 1 following the date on which the
8 tract-level population counts for this State from the federal
9 decennial census are released by the director of the Bureau of
10 the Census of the United States Department of Commerce, the
11 Secretary of State shall prepare and disseminate adjusted
12 population counts for each geographic unit included in the
13 census counts as provided by this Act.

14 Section 15. Reports to the Secretary of State.

15 (a) Not later than June 1 of the year in which the federal
16 decennial census is conducted, each State and local
17 governmental entity in this State that operates a facility for
18 the incarceration of persons convicted of a criminal offense,
19 including a mental health institution for those persons, or
20 that places any person convicted of a criminal offense in a
21 private facility to be incarcerated on behalf of the
22 governmental entity, shall submit a report to the Secretary of
23 State with the following information:

24 (1) The name of each person incarcerated in a facility
25 operated by the governmental entity or in a private
26 facility on behalf of the governmental entity on the date
27 for which the census reports population who completed a
28 census form, responded to a census inquiry, or was included
29 in any report provided to census officials, if the form,
30 response, or report indicated that the person resided at
31 the facility on that date.

1 (2) The age, gender, and race of each person included
2 in the report.

3 (3) The last address at which the person resided before
4 the person's current incarceration.

5 (b) Each governmental entity required to make a report
6 under subsection (a) shall ensure that it collects and
7 maintains the information required to make the report.

8 Section 20. Federal facilities. The Secretary of State
9 shall request each agency that operates a federal facility in
10 this State that incarcerates persons convicted of a criminal
11 offense to provide the Secretary of State with a report
12 including the information listed in subsection (a) of Section
13 15 for persons convicted of an offense in this State.

14 Section 25. Adjustments by the Secretary of State. For each
15 person included in a report received under Sections 15 and 20,
16 the Secretary of State shall determine the geographic units for
17 which population counts are reported in the federal decennial
18 census that contain the last address at which the person
19 resided before the person's incarceration according to the
20 report and, if that address is in this State:

21 (1) Adjust all relevant population counts reported in
22 the census, including populations by age, gender, and race,
23 as if the person resided at that address on the day for
24 which the census reports population.

25 (2) Eliminate the person from all applicable
26 population counts reported in the federal decennial census
27 for the geographic units that include the facility at which
28 the person was incarcerated on the day for which the census
29 reports population.

30 Section 30. Use of census information in redistricting.

31 (a) Each political subdivision of the State that elects any
32 members of a governmental body from election districts, wards,
33 or precincts that are subject to the one-person one-vote

1 requirement of the Constitution of the United States shall
2 ensure that after redistricting each of those election
3 districts, wards, or precincts does not vary from the average
4 population of those districts, wards, or precincts according to
5 the most recent adjusted population counts prepared by the
6 Secretary of State under Section 30 by more than 5%.

7 (b) A State governmental body, including the General
8 Assembly and any State court, that redistricts any election
9 districts subject to the one-person one-vote requirement of the
10 Constitution of the United States shall comply with the
11 restriction provided by subsection (a).

12 (c) A governmental entity to which this Section applies may
13 exceed the adjusted population restrictions required by this
14 Section only to the extent necessary to comply with federal
15 law.