



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5718

Introduced 2/16/2012, by Rep. La Shawn K. Ford

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 prepare and disseminate adjusted population counts no later than 30 days after publication of census redistricting data by the United States Census Bureau. Requires each State and local governmental entity that operates a facility for the incarceration of persons convicted of a criminal offense to submit a report to the Secretary of State containing certain information about individuals who are incarcerated at those facilities, including age, gender, race, and last known address prior to incarceration. Effective January 1, 2020.

LRB097 16020 HLH 61171 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 30 days after publication of census redistricting data for
8 this State by the United States Census Bureau, the Secretary of
9 State shall prepare and disseminate adjusted population counts
10 for each geographic unit included in the census counts as
11 provided by this Act.

12 Section 15. Reports to the Secretary of State.

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

22 (1) The name of each person incarcerated in a facility

1 operated by the governmental entity or in a private
2 facility on behalf of the governmental entity on the date
3 for which the census reports population who has less than 4
4 years remaining on his or her sentence on the date for
5 which the census reports population and who completed a
6 census form, responded to a census inquiry, or was included
7 in any report provided to census officials, if the form,
8 response, or report indicated that the person resided at
9 the facility on that date.

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

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

14 (b) Each governmental entity required to make a report
15 under subsection (a) shall ensure that it collects and
16 maintains the information required to make the report.

17 Section 20. Federal facilities. The Secretary of State
18 shall request each agency that operates a federal facility in
19 this State that incarcerates persons convicted of a criminal
20 offense to provide the Secretary of State with a report
21 including the information listed in subsection (a) of Section
22 15 for persons convicted of an offense in this State.

23 Section 25. Adjustments by the Secretary of State. For each
24 person included in a report received under Sections 15 and 20

1 for whom a previous address is reported under item (3) of
2 subsection (a) of Section 15 of this Act, the Secretary of
3 State shall determine the geographic units for which population
4 counts are reported in the federal decennial census that
5 contain the last address at which the person resided before the
6 person's incarceration according to the report and, if that
7 address is in this State:

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

12 (2) Eliminate the person from all applicable
13 population counts reported in the federal decennial census
14 for the geographic units that include the facility at which
15 the person was incarcerated on the day for which the census
16 reports population.

17 Section 30. Use of census information in redistricting.

18 (a) Each political subdivision of the State that elects any
19 members of a governmental body from election districts, wards,
20 or precincts that are subject to the one-person one-vote
21 requirement of the Constitution of the United States that
22 redistricts after the Secretary of State adjusts population
23 levels shall ensure that each of those election districts,
24 wards, or precincts are redistricted according to the most
25 recent adjusted population counts prepared by the Secretary of

1 State.

2 (b) A State governmental body, including the General
3 Assembly and any State court, that redistricts any election
4 districts subject to the one-person one-vote requirement of the
5 Constitution of the United States shall comply with the
6 restriction provided by subsection (a).

7 (c) A governmental entity to which this Section applies may
8 exceed the adjusted population restrictions required by this
9 Section only to the extent necessary to comply with federal
10 law.

11 Section 99. Effective date. This Act takes effect January
12 1, 2020.