

1 H.763
2 Introduced by Representative Greer of Bennington
3 Referred to Committee on
4 Date:
5 Subject: Elections; periodic reapportionment; counting of offenders
6 Statement of purpose of bill as introduced: This bill proposes to count certain
7 offenders by their residential address prior to incarceration for the purpose of
8 periodic reapportionment of districts for the General Assembly.

9 An act relating to how to count certain offenders for the purpose of periodic
10 reapportionment of districts for the General Assembly

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 17 V.S.A. § 1913 is added to read:

13 **§ 1913. COUNTING OF OFFENDERS**

14 **(a) Department of Corrections determination and sharing of offender**
15 **residential information.**

16 **(1) The Department of Corrections shall:**

17 **(A) for each offender in the Department's custody, determine the**
18 **offender's residential address prior to incarceration; and**

19 **(B) maintain an electronic record of offenders' residential addresses**
20 **prior to incarceration that shall determine the offenders' residential addresses**

1 prior to incarceration on the date for which the decennial census reports
2 population.

3 (2) On or before May 1 of the year following each decennial census
4 under the authority of Congress and in which the U.S. Census Bureau counts
5 any offender as a resident of the town in which the offender's respective
6 correctional facility is located, the Department of Corrections shall deliver to
7 the Legislative Apportionment Board, in a form as prescribed by the Board, the
8 following information as determined on the date for which the decennial
9 census reports population:

10 (A) a unique identifier for each offender subject to the
11 jurisdiction of the Department of Corrections;

12 (B) the street address of the correctional facility in which each
13 offender was incarcerated;

14 (C) for each offender, an indication of whether the offender:
15 (i) has attained 18 years of age; and
16 (ii) is serving a sentence of life imprisonment without the
17 possibility of release;

18 (D) each offender's in-state residential address prior to incarceration,
19 or an indication that the offender's residential address prior to incarceration
20 was:

1 geographic units that include the correctional facility in which an offender was
2 incarcerated.

3 (4) Notwithstanding subdivisions (1)–(3) of this subsection, if an
4 offender is serving a sentence of life imprisonment without the possibility of
5 release, the Board shall ensure that an offender is represented in the applicable
6 population count reported in the decennial census for the geographic units that
7 include the correctional facility in which an offender was incarcerated.

8 (5) The Board shall prepare and publish such information, both adjusted
9 and unadjusted, pursuant to this subsection (b) as part of its tentative proposal,
10 as described in sections 1905 and 1907 of this title, and any subsequent
11 proposals, including the Board's final proposal, as described in section 1906 of
12 this title.

13 (c) Confidentiality of offender information. Notwithstanding any other
14 statute, the information required to be provided under this section shall not
15 include the name of any offender or in any other way allow for the
16 identification of the individual. This information is exempt from public
17 inspection and copying under the Public Records Act and shall be kept
18 confidential, except to the Board for the purposes of subsection (b) of this
19 section or as aggregated by decennial census block for the purposes of
20 subdivision (b)(5) of this section.

1 (d) Definition. As used in section, “offender” has the same meaning as in
2 28 V.S.A. § 3(8).

3 Sec. 2. EFFECTIVE DATE

4 This act shall take effect on passage.