

H.763

Introduced by Representative Greer of Bennington

Referred to Committee on

Date:

Subject: Elections; periodic reapportionment; counting of offenders

Statement of purpose of bill as introduced: This bill proposes to count certain offenders by their residential address prior to incarceration for the purpose of periodic reapportionment of districts for the General Assembly.

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

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

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

§ 1913. COUNTING OF OFFENDERS

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

(1) The Department of Corrections shall:

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

(B) maintain an electronic record of offenders' residential addresses 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                   (i) outside Vermont; or

2                   (ii) unknown; and

3                   (E) any additional information requested by the Board otherwise  
4 permitted by law.

5           (b) Legislative Apportionment Board use of offender address information.

6                   (1) For each offender included in a report received under subsection (a)  
7 of this section, the Board shall determine the geographic units for which  
8 population counts are reported in the decennial census, which units contain the  
9 address of the correctional facility in which an offender was incarcerated, and  
10 which contain an offender's residential address prior to incarceration.

11                   (2) If an offender's residential address prior to incarceration is known  
12 and is located within the State, the Board shall ensure that when creating  
13 proposals for dividing the State into initial districts for the election of the  
14 House of Representatives and the Senate, as described in sections 1905, 1906,  
15 and 1907 of this title, the relevant population counts reported in the decennial  
16 census are adjusted so that an offender is considered to have been residing at  
17 the offender's residential address prior to incarceration and not at the address  
18 of the correctional facility where the offender was incarcerated.

19                   (3) If an offender's residential address prior to incarceration is unknown  
20 or not in this State, the Board shall ensure that an offender is not represented in  
21 any applicable population count reported in the decennial census for the

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.