



Rep. LaShawn K. Ford

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LRB097 05077 HLH 50776 a

1 AMENDMENT TO HOUSE BILL 94

2 AMENDMENT NO. _____. Amend House Bill 94 by replacing
3 everything after the enacting clause with the following:

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 August 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 May 1 of the year in which the federal

1 decennial census is conducted, each State and local
2 governmental entity in this State that operates a facility for
3 the incarceration of persons convicted of a criminal offense,
4 including a mental health institution for those persons, or
5 that places any person convicted of a criminal offense in a
6 private facility to be incarcerated on behalf of the
7 governmental entity, shall submit a report to the Secretary of
8 State with the following information:

9 (1) The name of each person incarcerated in a facility
10 operated by the governmental entity or in a private
11 facility on behalf of the governmental entity on the date
12 for which the census reports population who completed a
13 census form, responded to a census inquiry, or was included
14 in any report provided to census officials, if the form,
15 response, or report indicated that the person resided at
16 the facility on that date.

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

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

21 (b) Each governmental entity required to make a report
22 under subsection (a) shall ensure that it collects and
23 maintains the information required to make the report.

24 Section 20. Federal facilities. The Secretary of State
25 shall request each agency that operates a federal facility in

1 this State that incarcerates persons convicted of a criminal
2 offense to provide the Secretary of State with a report
3 including the information listed in subsection (a) of Section
4 15 for persons convicted of an offense in this State.

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

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

16 (2) Eliminate the person from all applicable
17 population counts reported in the federal decennial census
18 for the geographic units that include the facility at which
19 the person was incarcerated on the day for which the census
20 reports population.

21 Section 30. Use of census information in redistricting.

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

1 requirement of the Constitution of the United States that
2 redistricts after the Secretary of State adjusts population
3 levels shall ensure that each of those election districts,
4 wards, or precincts are redistricted according to the most
5 recent adjusted population counts prepared by the Secretary of
6 State.

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.

16 Section 99. Effective date. This Act takes effect January
17 1, 2020."