



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5719

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

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Prisoner Census Adjustment Act. Provides that, in the case of an individual who (i) has less than 4 years remaining on a prison sentence and (ii) completed a census form, responded to a census inquiry, or was included in any report provided to census officials indicating that the person resided at a correctional facility on the date of the inquiry or report, the Secretary of State shall prepare and disseminate adjusted census population counts to include the individual in all applicable population counts for the geographic units that include his or her last address before incarceration and eliminate the person from all applicable population counts for the geographic units that include the facility at which the person was incarcerated on the date for which the census reports population. Requires State and local governmental entities that operate facilities for the incarceration of persons convicted of a criminal offense, including mental health institutions for those persons, or place any person convicted of a criminal offense in a private facility to be incarcerated on behalf of the governmental entity, to prepare certain reports. Effective January 1, 2020.

LRB097 15989 HLH 61140 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 in 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 all of 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 operated on behalf of the governmental entity on  
3           the date for which the census reports population who (A)  
4           has less than 4 years remaining on his or her sentence and  
5           (B) completed a census form, responded to a census inquiry,  
6           or was included in any report provided to census officials,  
7           if the form, response, or report indicated that the person  
8           resided at the facility on that date.

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

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

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

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

22          Section 25. Adjustments by the Secretary of State. For each  
23          person included in a report received under Section 15 or 20 for  
24          whom a previous address is reported under item (3) of

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

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

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

16 Section 30. Use of census information in redistricting.

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

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

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

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