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SENATE BILL NO. 77

INTRODUCED BY S. MORIGEAU

BY REQUEST OF THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO REDISTRICTING DATA FOR INMATES; REQUIRING THE DEPARTMENT OF CORRECTIONS TO COLLECT CERTAIN ADDRESS AND DEMOGRAPHIC INFORMATION FROM INCARCERATED INDIVIDUALS; REQUIRING THE STATE CENSUS AND ECONOMIC INFORMATION CENTER TO REVISE FEDERAL DECENNIAL CENSUS POPULATION DATA TO REALLOCATE INCARCERATED INDIVIDUALS; REQUIRING LOCAL GOVERNMENTS TO USE THE ADJUSTED DATA TO REVISE ELECTION BOUNDARIES THAT ARE BASED ON POPULATION; AMENDING SECTION 90-1-109, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Definitions. As used in [sections 1 through 6], unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Center" means the state census and economic information center established in 90-1-109.
- (2) "Department" means the department of corrections established in 2-15-2301.
- (3) "Federal correctional facility" means a prison or correctional facility owned by or contracting with the United States government to incarcerate individuals convicted of a criminal offense.
- (4) "Last known address" means an individual's last known complete street or physical address prior to the individual's incarceration. An individual's last known address is presumed to be outside of the state prison or federal correctional facility in which the individual is held.
- (5) "Local government district" means a district based on population that is maintained by a local government primarily for election purposes and that must be substantially equal in population under the 14th amendment to the United States constitution.
- (6) "State prison" means a facility listed in 53-30-101(1), (2), or (4).

1 (a) include the incarcerated individual's name or other information that may allow the individual to
2 be identified except by the department; or

3 (b) be disclosed by the department or the center except as redistricting data aggregated by census
4 block for the purposes described in [section 5].

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6 **NEW SECTION. Section 4. Federal facilities.** The center shall request from each federal
7 correctional facility located in Montana a report that includes the information listed in [section 3(1)].

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9 **NEW SECTION. Section 5. Redistricting population data.** (1) The center shall prepare redistricting
10 population data that reflects an incarcerated individual at the individual's last known address pursuant to
11 [section 6].

12 (2) The districting and apportionment commission ~~may~~ shall use the data to form congressional,
13 state house, or state senate districts.

14 (3) A local government shall use the data to form local government districts that are based on
15 population. An incarcerated individual whose address prior to incarceration is unknown, as determined pursuant
16 to [section 6], may not be included in the calculation used to determine the ideal population of a local
17 government district.

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19 **NEW SECTION. Section 6. Adjustment and publication of population data -- notification to**
20 **local governments -- limitation on use for distribution of aid.** (1) For each individual included in a report
21 received under [section 3 or 4], the center shall determine the geographic units for which population counts are
22 reported in the federal decennial census that contain the state prison or federal correctional facility in which the
23 individual is or was incarcerated and the individual's last known address as listed in the report provided
24 pursuant to [section 3 or 4].

25 (2) If the individual's last known address is in Montana, the center shall:

26 (a) remove the individual from any population counts for the geographic units that include the state
27 prison unless that geographic unit also contains the individual's last known address; and

28 (b) ensure that any population counts reported by the center reflect the individual's last known