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**SECOND SUBSTITUTE SENATE BILL 5287**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Darneille and Hunt)

AN ACT Relating to ensuring accurate redistricting by counting individuals in state custody as residents of their last known place of residence; adding a new section to chapter 44.05 RCW; providing an effective date; and declaring an emergency.

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

NEW SECTION. **Sec.**  A new section is added to chapter 44.05 RCW to read as follows:

(1) After April 1st of each year ending in zero, and by July 1st of each year ending in zero, the department of corrections shall furnish to the redistricting commission the following information regarding the last known place of residence of each inmate incarcerated in a state adult correctional facility:

(a) A unique identifier, other than the inmate's department of corrections number; and

(b) Last known place of residence information sufficiently specific to determine the congressional and state legislative districts in which the inmate's last known place of residence is located.

(2) After April 1st of each year ending in zero, and by July 1st of each year ending in zero, the department of social and health services shall furnish to the redistricting commission the following information regarding the last known place of residence of each person eighteen years of age or older committed to receive involuntary behavioral health treatment under chapter 71.05 RCW:

(a) A unique identifier, other than the person's patient identification number; and

(b) Last known place of residence information sufficiently specific to determine the congressional and state legislative districts in which the resident's last known place of residence is located.

(3) After April 1st of each year ending in zero, and by July 1st of each year ending in zero, the department of children, youth, and families shall furnish to the redistricting commission the following information regarding the last known place of residence of each person eighteen years of age or older residing or placed in a juvenile justice facility:

(a) A unique identifier, other than the person's patient identification number; and

(b) Last known place of residence information sufficiently specific to determine the congressional and state legislative districts in which the resident's last known place of residence is located.

(4) The department of corrections shall not furnish information for inmates whose last known place of residence is outside of Washington or whose last known place of residence cannot be determined.

(5) The department of social and health services shall not furnish information for persons committed to receive involuntary behavioral health treatment under chapter 71.05 RCW whose last known place of residence is outside of Washington or whose last known place of residence cannot be determined.

(6) The department of children, youth, and families shall not furnish information for persons residing or placed in a juvenile justice facility whose last known place of residence is outside of Washington or whose last known place of residence cannot be determined.

(7) The redistricting commission shall:

(a) Deem each inmate incarcerated in a state adult correctional facility and person eighteen years of age or older residing or placed in a juvenile justice facility or committed to receive involuntary behavioral health treatment under chapter 71.05 RCW as residing at his or her last known place of residence, rather than at the institution of his or her incarceration, residence, or placement;

(b) Regardless of the form in which the information is furnished, refrain from publishing any information regarding a specific inmate's or resident's last known place of residence;

(c) Deem an inmate or resident in state custody in Washington whose last known place of residence is outside of Washington or whose last known place of residence cannot be determined to reside at an unknown geographical location in the state and exclude the inmate or resident from the population count for any district, ward, or precinct; and

(d) Adjust race and ethnicity data in districts, wards, and precincts that contain prisons, juvenile justice facilities, or involuntary commitment facilities in a manner that reflects reductions in the local population as inmates and residents are included in the population count of the district, ward, or precinct of their last known place of residence.

(8) For purposes of this section:

(a) "Inmate incarcerated in a state adult correctional facility" includes an inmate who has been transferred to a facility outside of Washington to complete his or her term of incarceration.

(b) "Last known place of residence" means the address at which the inmate was last domiciled prior to his or her current term of incarceration, as reported by the inmate or resident.

(c) "Person eighteen years of age or older residing or placed in a juvenile justice facility" and "person eighteen years of age or older committed to receive involuntary behavioral health treatment under chapter 71.05 RCW" include a person who has been transferred to a facility outside of Washington.

(d) "Resident" includes persons residing or placed in a juvenile justice facility or committed to receive involuntary behavioral health treatment under chapter 71.05 RCW.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019.

**--- END ---**