

HOUSE BILL REPORT

SB 5583

As Passed House:

March 1, 2022

Title: An act relating to requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons.

Brief Description: Requiring the adjustment of census data for local redistricting to reflect the last known place of residence for incarcerated persons.

Sponsors: Senators Trudeau, Hunt, Das, Dhingra, Hasegawa, Keiser, Kuderer, Lovelett, Mullet, Nguyen, Nobles, Randall, Rivers, Saldaña, Stanford, Wellman and Wilson, C..

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/21/22, 2/23/22 [DP].

Floor Activity:

Passed House: 3/1/22, 88-7.

Brief Summary of Bill

- Requires each unit of local government that conducts redistricting to use federal decennial census populations as adjusted by the Redistricting Commission to count each person in state custody as residing at the person's last known place of residence, rather than at an adult correctional, juvenile justice, or involuntary behavioral health commitment facility.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: Do pass. Signed by 7 members: Representatives Valdez, Chair; Lekanoff, Vice Chair; Volz, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Dolan, Graham and Gregerson.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Jason Zolle (786-7124).

Background:

Local Redistricting.

Each county, city, and special purpose district that elects its governing body based on internal director, council, or commissioner districts must draw district boundaries based on population data collected at each federal decennial census. Each district must:

- have as equal a population as possible;
- be as compact as possible; and
- be geographically contiguous.

Local redistricting plans may not be drawn to purposely favor or discriminate against any political party or racial group. To the extent reasonable, district boundaries must coincide with natural boundaries and preserve communities of interest.

Counting Persons in Government Custody.

The federal decennial census counts people at their usual residence, which is defined as the place where they live and sleep most of the time. The Census Bureau rules specify that certain people in custody on Census Day are counted as follows:

- people in federal and state prisons are counted at the facility;
- people in local jails and other municipal confinement facilities are counted at the facility;
- people in federal detention centers (such as Immigration and Customs Enforcement detention centers) are counted at the facility;
- people in correctional residential facilities (such as halfway houses) are counted at the facility;
- people in noncorrectional residential treatment centers for adults are counted at the residence where they live and sleep most of the time;
- juveniles in correctional facilities for juveniles are counted at the facility; and
- juveniles in noncorrectional residential treatment centers for juveniles are counted at the residence where they live and sleep most of the time.

For purposes of drawing state and congressional districts in Washington, the Redistricting Commission counts each person incarcerated in a state adult correctional facility, placed in a juvenile justice facility, or committed to receive involuntary behavioral health treatment as residing at his or her last known place of residence, rather than at the institution of confinement. This includes people who are transferred to a facility outside of Washington. The last known place of residence is the address at which the inmate was last domiciled prior to the current term of incarceration, as reported by the inmate or resident. An inmate or resident in state custody in Washington whose last known place of residence was either outside of Washington or cannot be determined is deemed to live at the location of the facility in which the inmate or resident is incarcerated, placed, or committed.

There is no similar provision for such persons with regard to local redistricting.

Summary of Bill:

Each unit of local government that conducts redistricting must use federal decennial census populations as adjusted by the Redistricting Commission to count each person in state custody as residing at the person's last known place of residence, rather than at an adult correctional, juvenile justice, or involuntary behavioral health commitment facility.

Appropriation: None.

Fiscal Note: Requested on March 1, 2022.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Prison gerrymandering has allowed certain districts to capitalize on the increasing incarceration of people of color, which steals the people's voices to the detriment of their communities. This bill is necessary because of the over-policing of people of color. The bill gives their votes back to marginalized communities and results in a more fair electoral process.

(Opposed) None.

Persons Testifying: Mia Sugui, The Washington Bus.

Persons Signed In To Testify But Not Testifying: None.