

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB1255

|                 |                                       |  |                                    |
|-----------------|---------------------------------------|--|------------------------------------|
| House of Origin | <input type="checkbox"/> Introduced   | <input checked="" type="checkbox"/> Substitute | <input type="checkbox"/> Engrossed |
| Second House    | <input type="checkbox"/> In Committee | <input type="checkbox"/> Substitute            | <input type="checkbox"/> Enrolled  |

**2. Patron:** Price, Levine

**3. Committee:** Privileges and Elections

**4. Title:** Redistricting; congressional and state legislative districts; standards and criteria; population data.

- 5. Summary:** The bill provides for the preparation of adjusted population data for redistricting and reapportionment purposes to reflect the reallocation of persons incarcerated in federal, state, and local correctional facilities. The bill provides that a person incarcerated in a correctional facility whose legal residence prior to entering custody was located within the Commonwealth will be deemed to reside at such residence, and a person incarcerated in a correctional facility whose legal residence prior to entering custody was located outside of the Commonwealth or whose legal residence prior to entering custody cannot be determined will not be included in the population count for the locality in which the facility is located; instead, such persons shall be allocated to a state unit not tied to a specific determined geographic location in the same manner as other state residents with an unknown address are allocated. Under the current residence criteria of the U.S. Bureau of the Census, incarcerated persons are counted at the facility in which they are incarcerated. The bill directs the Division of Legislative Services to prepare the adjusted population data, and the General Assembly and local governing bodies are required to use this data as the basis for reapportioning and drawing new districts. The Director of the Department of Corrections and the Board of Corrections are required to provide to the Division certain information about each person incarcerated who was incarcerated in a state or local correctional facility on the day the decennial census is taken, April 1 of a year ending in zero, for these purposes. The Division is directed to request such information from each agency operating a federal correctional facility in the Commonwealth, and persons incarcerated in a federal correctional facility for whom a record is not received shall be deemed to have a legal residence prior to entering custody that cannot be determined.

The bill also provides criteria by which congressional and state legislative districts are to be drawn, including compactness and contiguity, racial and ethnic fairness, protection of the rights of racial and language minorities to participate and elect a preferred candidate, and consideration of existing political boundaries and communities of interest. The bill requires the most recent decennial population figures reported by the United States Bureau of the Census to be used in drawing districts, except that incarcerated persons are to be counted at their last known legal residence. The bill prohibits the use of political data when drawing districts.

**6. Budget Amendment Necessary:** See item 8.

**7. Fiscal Impact Estimates:** Preliminary.

**8. Fiscal Implications:** The Division of Legislative Services states that the bill requires incarcerated persons to be counted at their last known legal residence, not the prison where they are incarcerated as the census currently counts them. This will require the census data to be adjusted before it is used in the drawing of districts. The agency, who is staffed to support the Commonwealth's redistricting process, warns that the new criteria will likely present a fiscal impact since the bill presents a specialized skill set that is not currently on staff. The agency expects to have to hire or contract an expert to assist in guiding the General Assembly's compliance required in the bill. The agency is not able to quantify the costs of the position at this time.

The Department of Corrections indicates the bill presents minimal impact to revise computer program coding to handle the unique identifier and an age-18 flag, but everything else is already being provided to Census.

**9. Specific Agency or Political Subdivisions Affected:** The General Assembly; The Division of Legislative Services; The Department of Corrections.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** The bill is similar to House Bill 319.