

REFERENCE TITLE: **redistricting data; inmates; residential address**

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1540

Introduced by
Senators Quezada: Mendez; Representative Andrade

AN ACT

**AMENDING TITLE 16, CHAPTER 8, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 16-1102; AMENDING SECTION 31-221, ARIZONA REVISED STATUTES;
AMENDING TITLE 31, CHAPTER 2, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 31-232; RELATING TO PRISONERS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 16, chapter 8, article 1, Arizona Revised
3 Statutes, is amended by adding section 16-1102, to read:

4 16-1102. Redistricting population data: incarcerated persons:
5 definitions

6 A. THE REDISTRICTING ENTITY SHALL PREPARE REDISTRICTING POPULATION
7 DATA TO REFLECT INCARCERATED PERSONS AT THEIR RESIDENTIAL ADDRESSES. THE
8 REDISTRICTING POPULATION DATA IS THE BASIS OF THIS STATE'S LEGISLATIVE
9 DISTRICTS AND ALL LOCAL GOVERNMENT DISTRICTS THAT ARE BASED ON POPULATION.
10 THE REDISTRICTING ENTITY MAY NOT USE INCARCERATED POPULATIONS RESIDING AT
11 UNKNOWN GEOGRAPHIC LOCATIONS WITHIN THIS STATE, AS DETERMINED UNDER
12 SUBSECTION C, PARAGRAPH 2 OF THIS SECTION, TO DETERMINE THE IDEAL
13 POPULATION OF ANY SET OF DISTRICTS, WARDS OR PRECINCTS.

14 B. FOR EACH INCARCERATED PERSON WHO IS INCLUDED IN A REPORT
15 RECEIVED PURSUANT TO SECTION 31-232, THE REDISTRICTING ENTITY SHALL BOTH:

16 1. DETERMINE THE GEOGRAPHIC UNITS FOR WHICH POPULATION COUNTS ARE
17 REPORTED IN THE CENSUS THAT CONTAIN THE FACILITY OF INCARCERATION AND THE
18 LEGAL RESIDENCE AS LISTED ACCORDING TO THE REPORT.

19 2. IF THE LEGAL RESIDENCE IS KNOWN AND IN THIS STATE, ENSURE THAT
20 BOTH:

21 (a) THE PERSON IS NOT REPRESENTED IN ANY POPULATION COUNTS THAT ARE
22 REPORTED BY THE REDISTRICTING ENTITY FOR THE GEOGRAPHIC UNITS THAT INCLUDE
23 THE FACILITY IN WHICH THE PERSON WAS INCARCERATED, UNLESS THAT GEOGRAPHIC
24 UNIT ALSO INCLUDES THE PERSON'S LEGAL RESIDENCE.

25 (b) ANY POPULATION COUNTS THAT ARE REPORTED BY THE REDISTRICTING
26 ENTITY REFLECT THE PERSON'S RESIDENTIAL ADDRESS AS REPORTED UNDER SECTION
27 31-232.

28 C. FOR EACH INCARCERATED PERSON WHO IS INCLUDED IN A REPORT
29 RECEIVED PURSUANT TO SECTION 31-232 AND FOR WHOM A LEGAL RESIDENCE IS
30 EITHER UNKNOWN OR NOT IN THIS STATE AND FOR ALL PERSONS WHO ARE REPORTED
31 IN THE CENSUS AS RESIDING IN A FEDERAL CORRECTIONAL FACILITY FOR WHOM A
32 REPORT WAS NOT PROVIDED, THE REDISTRICTING ENTITY SHALL BOTH:

33 1. ENSURE THAT THE PERSON IS NOT REPRESENTED IN ANY POPULATION
34 COUNTS THAT ARE REPORTED BY THE REDISTRICTING ENTITY FOR THE GEOGRAPHIC
35 UNITS THAT INCLUDE THE FACILITY IN WHICH THE PERSON WAS INCARCERATED.

36 2. ALLOCATE THE PERSON TO A STATE UNIT THAT IS NOT TIED TO A
37 SPECIFIC DETERMINED GEOGRAPHY, AS OTHER STATE RESIDENTS WITH UNKNOWN STATE
38 ADDRESSES ARE ALLOCATED, INCLUDING MILITARY AND FEDERAL GOVERNMENT
39 PERSONNEL WHO ARE STATIONED OVERSEAS.

40 D. THE REDISTRICTING ENTITY SHALL COMPLETE AND PUBLISH THE
41 REDISTRICTING POPULATION DATA NOT LATER THAN THIRTY DAYS AFTER THE DATE
42 THAT THE POPULATION DATA PRESCRIBED BY PUBLIC LAW 94-171 IS PUBLISHED FOR
43 THIS STATE.

1 E. THE REDISTRICTING ENTITY SHALL NOTIFY LOCAL GOVERNMENTS THAT
2 THIS SECTION REQUIRES LOCAL GOVERNMENTS TO USE THE REDISTRICTING
3 POPULATION DATA PREPARED BY THE REDISTRICTING ENTITY PURSUANT TO THIS
4 SECTION FOR REDISTRICTING PURPOSES.

5 F. THE REDISTRICTING POPULATION DATA PREPARED BY THE REDISTRICTING
6 ENTITY PURSUANT TO THIS SECTION MAY NOT BE USED IN THE DISTRIBUTION OF ANY
7 STATE OR FEDERAL AID.

8 G. THE REDISTRICTING ENTITY SHALL REQUEST EACH AGENCY THAT OPERATES
9 A FEDERAL CORRECTIONAL FACILITY IN THIS STATE TO PROVIDE THE REDISTRICTING
10 ENTITY WITH A REPORT THAT INCLUDES THE INFORMATION LISTED IN SECTION
11 31-232, SUBSECTION A.

12 H. FOR THE PURPOSES OF THIS SECTION:

13 1. "CENSUS" MEANS THE MOST RECENT UNITED STATES DECENNIAL CENSUS.

14 2. "REDISTRICTING ENTITY" MEANS THE LEGISLATURE OR ANY ENTITY THAT
15 IS CHARGED WITH RECOMMENDING OR ADOPTING LEGISLATIVE OR CONGRESSIONAL
16 DISTRICT BOUNDARIES IN THIS STATE.

17 Sec. 2. Section 31-221, Arizona Revised Statutes, is amended to
18 read:

19 31-221. Master record file; information from other agencies;
20 confidentiality of file; access; definition

21 A. The state department of corrections shall maintain a master
22 record file on each person who is committed to the department that
23 contains the following:

24 1. All information from the committing court.

25 2. The reports of the reception-diagnostic centers.

26 3. Evaluation and assignment reports and recommendations.

27 4. Reports of disciplinary infractions and their disposition.

28 5. Progress reports prepared for the board of executive clemency
29 and the department.

30 6. Parole or community supervision progress reports.

31 7. The date and circumstances of final discharge.

32 8. Any other pertinent data concerning the person's background,
33 conduct, associations and life history as may be required by the
34 department with a view to the person's reformation and to the protection
35 of society.

36 9. THE PERSON'S LEGAL RESIDENCE, INCLUDING THE LAST KNOWN COMPLETE
37 STREET ADDRESS BEFORE INCARCERATION.

38 10. THE PERSON'S RACE.

39 B. All public agencies shall make available to the department, on
40 request, any factual data in their possession regarding individuals
41 committed to the department.

42 C. All records of prisoner care and custody are subject to title
43 39, chapter 1, article 2, except that the department shall not disclose
44 records or portions of records:

45 1. Revealing the identity of a confidential informant.

1 2. Endangering the life or physical safety of a person.

2 3. Jeopardizing an ongoing criminal investigation.

3 D. A prisoner may view the prisoner's own automated summary record
4 file, excluding those categories listed in subsection C OF THIS SECTION.

5 E. Except as provided in subsection D OF THIS SECTION, a prisoner
6 shall not have access to any prisoner records other than viewing the
7 prisoner's own automated summary record file and shall not assist in the
8 preparation or reproduction of reports contained in those records.

9 F. A prisoner shall not make a request to view a copy of the
10 prisoner's own automated summary record file more than one time each year,
11 except that a prisoner who is scheduled for more than one hearing before
12 the board of executive clemency in a calendar year may make a request to
13 view before each hearing a copy of the prisoner's own automated summary
14 record file.

15 G. For the purposes of this section, "automated summary record
16 file" means a computer printout or generated image that includes the
17 prisoner's:

18 1. Sentencing and release date calculations.

19 2. Institutional movements.

20 3. Disciplinary and rule violations.

21 4. Detainers and warrants.

22 5. Institutional work or job history.

23 6. Classification actions.

24 7. Board of executive clemency hearing actions.

25 Sec. 3. Title 31, chapter 2, article 2, Arizona Revised Statutes,
26 is amended by adding section 31-232, to read:

27 31-232. Prisoner information; census data; definition

28 A. IN EACH YEAR THAT THE UNITED STATES DECENNIAL CENSUS IS TAKEN
29 AND THE UNITED STATES CENSUS BUREAU ALLOCATES INCARCERATED PERSONS AS
30 RESIDENTS OF CORRECTIONAL FACILITIES, THE DEPARTMENT, ON OR BEFORE MAY 1
31 OF THAT SAME YEAR, SHALL DELIVER TO THE REDISTRICTING ENTITY:

32 1. A UNIQUE IDENTIFIER, NOT INCLUDING THE NAME OR PRISONER NUMBER,
33 FOR EACH PRISONER WHO IS SUBJECT TO THE JURISDICTION OF THE DEPARTMENT ON
34 THE DATE FOR WHICH THE UNITED STATES DECENNIAL CENSUS REPORTS POPULATION.
35 THE UNIQUE IDENTIFIER SHALL ENABLE THE REDISTRICTING ENTITY TO ADDRESS
36 INQUIRIES ABOUT SPECIFIC ADDRESS RECORDS TO THE DEPARTMENT, WITHOUT MAKING
37 IT POSSIBLE FOR ANYONE OUTSIDE OF THE DEPARTMENT TO IDENTIFY THE PRISONER
38 TO WHOM THE ADDRESS RECORD PERTAINS.

39 2. THE STREET ADDRESS OF THE CORRECTIONAL FACILITY IN WHICH THE
40 PRISONER WAS INCARCERATED AT THE TIME OF THE REPORT.

41 3. THE LAST KNOWN ADDRESS OF THE PRISONER BEFORE INCARCERATION OR
42 OTHER LEGAL RESIDENCE, IF KNOWN.

43 4. THE PRISONER'S RACE, WHETHER THE PRISONER IS OF HISPANIC OR
44 LATINO ORIGIN AND WHETHER THE PRISONER IS OVER EIGHTEEN YEARS OF AGE.

1 5. ANY ADDITIONAL INFORMATION THAT THE REDISTRICTING ENTITY MAY
2 REQUEST PURSUANT TO LAW.

3 B. THE DEPARTMENT SHALL PROVIDE THE INFORMATION SPECIFIED IN
4 SUBSECTION A OF THIS SECTION IN THE FORM PRESCRIBED BY THE REDISTRICTING
5 ENTITY.

6 C. FOR THE PURPOSES OF THIS SECTION, "REDISTRICTING ENTITY" MEANS
7 THE LEGISLATURE OR ANY ENTITY THAT IS CHARGED WITH RECOMMENDING OR
8 ADOPTING LEGISLATIVE OR CONGRESSIONAL DISTRICT BOUNDARIES IN THIS STATE.