

1 AN ACT relating to information used in redistricting.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 196 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The Kentucky Department of Corrections shall create and maintain a database*
6 *containing an electronic record of all persons entering its custody, whether in a*
7 *facility operated directly or pursuant to a contract with a private provider under*
8 *KRS 197.500 to 197.540.*

9 *(2) The database required by subsection (1) of this section shall contain at a*
10 *minimum the following information on each person entering the department's*
11 *custody:*

12 *(a) The person's last known complete street address prior to incarceration;*

13 *(b) The person's date of birth;*

14 *(c) The person's race if provided by the individual;*

15 *(d) Whether the person is of Hispanic or Latino origin if provided by the*
16 *individual; and*

17 *(e) The street address of the facility in which the person is incarcerated.*

18 *(3) Beginning in the year 2020, and in each year thereafter in which the federal*
19 *decennial census is taken, but in which the United States Bureau of the Census*
20 *counts incarcerated persons as residents of correctional facilities, the department*
21 *shall by the first day of July of that year deliver from the database to the*
22 *Legislative Research Commission a unique identifier, not including the name, for*
23 *each incarcerated person subject to the jurisdiction of the department as of the*
24 *date the decennial census is conducted, along with the following information*
25 *attached to that unique identifier:*

26 *(a) The last known complete street address;*

27 *(b) The date of birth;*

1 (c) The race, if provided by the individual;

2 (d) Whether the person is of Hispanic or Latino origin, if provided by the
3 individual; and

4 (e) The street address of the correctional facility in which the person was
5 incarcerated as of the date the decennial census was conducted.

6 (4) The department shall deliver the information specified in paragraph (a) of this
7 subsection in such form as the Legislative Research Commission shall specify.

8 (5) Notwithstanding any other provision of law, the information required to be
9 provided to the Legislative Research Commission pursuant to this subsection
10 shall not include the name of any incarcerated person and shall not allow for the
11 identification of any such person. The information shall be treated as
12 confidential and shall not otherwise be disclosed except as aggregated by census
13 block for the purposes of Sections 2 and 3 of this Act.

14 ➔Section 2. KRS 7.550 is amended to read as follows:

15 (1) The Legislative Research Commission shall serve as the legislative department's
16 liaison with the United States Bureau of the Census for purposes of Kentucky's
17 participation in and receipt of census maps and data under programs implementing
18 United States Public Law 94-171, relating to the development of population data for
19 redistricting.

20 (2) The Legislative Research Commission shall maintain and continuously update a
21 computerized map of Kentucky containing census geography and election precinct
22 boundaries.

23 (3) The Legislative Research Commission shall review any proposed precinct
24 establishment order and request for an exemption made under KRS 117.0552 to
25 117.0554 to determine the effect of the proposed order or exemption upon the
26 Commonwealth's participation in programs to implement United States Public Law
27 94-171. If the Commission determines that the proposed order or exemption would

1 have an adverse effect upon the Commonwealth's ability to participate in the
2 programs, it shall so advise the State Board of Elections.

3 (4) The Legislative Research Commission shall receive information on incarcerated
4 persons from the Kentucky Department of Corrections as required by Section 1 of
5 this Act.

6 (5) Beginning in the year 2020, and in each year thereafter in which the federal
7 decennial census is taken, but in which the United States Bureau of the Census
8 counts incarcerated persons as residents of correctional facilities, the Legislative
9 Research Commission shall request each agency that operates a federal
10 correctional facility in the Commonwealth of Kentucky that incarcerates persons
11 convicted of a criminal offense to provide the Commission with a report on those
12 incarcerated persons. The request required shall state that the Legislative
13 Research Commission is requesting a unique identifier, not including the name,
14 for each incarcerated person subject to the jurisdiction of the federal correctional
15 facility as of the date of the decennial census, along with the following
16 information that is attached to that unique identifier:

17 (a) The last known complete street address;

18 (b) The date of birth;

19 (c) The race, if provided by the individual;

20 (d) Whether the person is of Hispanic or Latino origin, if provided by the
21 individual; and

22 (e) The street address of the federal correctional facility in which each person
23 was incarcerated as of the date the decennial census was conducted.

24 (6) (a) For each person included in a report received under subsections (4) and (5)
25 of this section, the Legislative Research Commission shall determine the
26 geographic units for which population counts are reported in the census
27 that contain the address of the state or federal correctional facility listed in

1 the reports.

2 (b) For each person included in a report received under subsections (4) and (5)
 3 of this section, if a last known complete street address is known,
 4 ascertainable, and in the Commonwealth of Kentucky, the Legislative
 5 Research Commission shall:

6 1. Adjust all relevant population data reported in the census as if the
 7 person resided at that address on the day the decennial census was
 8 conducted; and

9 2. Ensure that the person is not represented in any applicable population
 10 data reported by the United States Bureau of the Census for the
 11 geographic units that include the facility at which the person was
 12 incarcerated on the day the decennial census was conducted.

13 (c) For each person included in a report received under subsections (4) and (5)
 14 of this section, and for all persons reported in the census as residing in a
 15 federal correctional facility for which a report is not provided, if the last
 16 known complete street address is unknown, not ascertainable, or not in the
 17 Commonwealth of Kentucky, the Legislative Research Commission shall
 18 adjust all relevant population data reported in the census as if the person
 19 resided at the correctional facility location within the Commonwealth of
 20 Kentucky on the day the decennial census was conducted.

21 ~~(Z)~~~~(4)~~ The Legislative Research Commission may direct its interim joint
 22 subcommittee of appropriate jurisdiction to perform or oversee the performance of
 23 the responsibilities assigned to the Commission by this section.

24 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 5 IS CREATED TO
 25 READ AS FOLLOWS:

26 The population data related to persons incarcerated in state or federal correctional
 27 facilities that is collected and adjusted by the Legislative Research Commission

1 pursuant to Sections 1 and 2 of this Act shall be used by the General Assembly in
2 redistricting the Commonwealth of Kentucky's Senatorial and Representative districts.

3 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 118B IS CREATED TO
4 READ AS FOLLOWS:

5 The population data related to persons incarcerated in state or federal correctional
6 facilities that is collected and adjusted by the Legislative Research Commission
7 pursuant to Sections 1 and 2 of this Act shall be used by the General Assembly in
8 redistricting the Commonwealth of Kentucky's Congressional districts.