

# SENATE BILL NO. 494

September 14, 2023, Introduced by Senator SANTANA and referred to the Committee on Elections and Ethics.

A bill to require the collection of certain residential and demographic information of incarcerated individuals and to require the information to be reported in a certain manner; and to provide for the powers and duties of certain state officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. As used in this act:

2           (a) "Commission" means the independent citizens redistricting  
3 commission created under section 6 of article IV of the state  
4 constitution of 1963.

1 (b) "Demographic data" means an incarcerated individual's  
2 race, whether the individual is of Hispanic or Latino origin, and  
3 whether the individual is over the age of 18 years.

4 (c) "Department" means the department of corrections.

5 (d) "Geographic unit" means an area for which a population  
6 count is reported in a federal decennial census and that contains a  
7 correctional facility or a pre-incarceration address.

8 (e) "Incarcerated individual" means an individual under the  
9 jurisdiction of the department who is incarcerated in a  
10 correctional facility operated by the department.

11 (f) "Pre-incarceration address" means the address at which an  
12 individual resided before the individual's current incarceration.

13 (g) "Qualified individual" means an incarcerated individual  
14 who is incarcerated in a correctional facility operated by the  
15 department on the date on which a federal decennial census is  
16 completed.

17 Sec. 2. (1) Beginning 6 months after the effective date of  
18 this act, at the time an individual enters incarceration with the  
19 department, the department shall collect the individual's pre-  
20 incarceration address and demographic data. The department shall  
21 maintain the information required to be collected under this  
22 subsection in an electronic record.

23 (2) Not later than May 1 of each year in which a federal  
24 decennial census is taken, if the United States Census Bureau  
25 allocates a qualified individual as a resident of the geographic  
26 unit containing the correctional facility in which the qualified  
27 individual is incarcerated, the department shall provide all of the  
28 following information to the secretary of state regarding that  
29 qualified individual:

1 (a) A unique identifier.

2 (b) The street address of the correctional facility in which  
3 the individual is incarcerated.

4 (c) The pre-incarceration address listed in the department's  
5 electronic database.

6 (d) The demographic data.

7 (e) Any other information requested by the secretary of state.

8 (3) The department shall provide the information to the  
9 secretary of state under subsection (2) through the electronic  
10 record described under subsection (1). However, the information  
11 under subsection (2) must not be associated with the name of the  
12 qualified individual.

13 (4) The secretary of state shall request from the Federal  
14 Bureau of Prisons the information described in subsection (2) (a) to  
15 (e) that pertains to an individual incarcerated in a federal  
16 correctional facility located in this state for a conviction of a  
17 criminal offense.

18 (5) The secretary of state shall only disclose the information  
19 received under subsections (2) and (3) as provided under this  
20 subsection. The secretary of state shall use the information  
21 received or obtained under subsections (2) and (3) to prepare the  
22 report required under subsection (6). No later than October 15 in  
23 the year of the federal decennial census, the secretary of state  
24 shall make the report under subsection (6) available to the  
25 commission. The commission shall consider the report in proposing a  
26 redistricting plan under section 6 of article IV of the state  
27 constitution of 1963.

28 (6) The secretary of state shall prepare a report that  
29 modifies the population data from a federal decennial census as

1 follows:

2 (a) If a qualified individual has a pre-incarceration address  
3 in this state, the secretary of state shall identify whether that  
4 individual is allocated to a geographic unit containing the  
5 correctional facility in which the individual is confined.

6 (b) If the qualified individual described under subdivision  
7 (a) has a pre-incarceration address in a different geographic unit  
8 from the geographic unit that contains the correctional facility in  
9 which the individual is confined, the secretary of state shall do  
10 both of the following:

11 (i) Remove the individual from the population count for the  
12 geographic unit containing the correctional facility.

13 (ii) Allocate the individual to the population count for the  
14 geographic unit containing the pre-incarceration address.

15 (7) The report prepared under subsection (6) must not be used  
16 in the distribution of funds from this state or from the federal  
17 government.