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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4043

02/22/2024 Authored by Agbaje, Long, Frazier and Greenman
The bill was read for the first time and referred to the Committee on Elections Finance and Policy

1.1 A bill for an act
1.2 relating to redistricting; requiring the allocation of certain incarcerated persons
1.3 based on their last known address in Minnesota; requiring the Department of
1.4 Corrections to collect the last residential address of an inmate before incarceration;
1.5 proposing coding for new law in Minnesota Statutes, chapters 2; 241.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. [2.93] INCARCERATED PERSONS IN DISTRICT PLANS.

1.8 Subdivision 1. Reallocation and exclusion of incarcerated persons. (a) For purposes
1.9 of drawing congressional, legislative, and all other election districts, the legislature and
1.10 local governments must use the population from the federal decennial census as modified
1.11 by reallocating and excluding persons who are incarcerated.

1.12 (b) A person who was incarcerated in a state or federal correctional facility, as determined
1.13 by the decennial census, and who has a last known address in Minnesota must be reallocated
1.14 to the census block of the last known address.

1.15 (c) A person who was incarcerated in a state or federal correctional facility, as determined
1.16 by the decennial census, and who has a last known address outside of Minnesota or does
1.17 not have a last known address must:

1.18 (1) be excluded from the population count for purposes of drawing congressional,
1.19 legislative, or political subdivision districts; and

1.20 (2) be counted as part of the statewide population total.

1.21 Subd. 2. Department of Corrections duties. On or before December 31 in a year ending
1.22 in zero, the commissioner of corrections must provide to the director of the Legislative

2.1 Coordinating Commission the following information, in electronic form, for each individual
2.2 incarcerated in a state correctional facility on April 1 in the year of the decennial census:

2.3 (1) a unique identifier that does not include the individual's name, Department of
2.4 Corrections identification number, or other identifying information;

2.5 (2) the street address of the correctional facility in which the individual was incarcerated
2.6 at the time of the report;

2.7 (3) the residential address of the individual prior to incarceration;

2.8 (4) the following demographic information, if known: the individual's race, whether the
2.9 individual is of Hispanic or Latino origin, and whether the individual is over the age of 18;
2.10 and

2.11 (5) any additional information the director of the Legislative Coordinating Commission
2.12 deems necessary.

2.13 Notwithstanding any law to the contrary, the commissioner of corrections must provide the
2.14 director of the Legislative Coordinating Commission with access to the best available data
2.15 necessary to conduct the reallocations and exclusions required by this section. The
2.16 commissioner and the director may enter a memorandum of understanding detailing the
2.17 methodology to be used and the format and manner in which the data will be provided. The
2.18 Legislative Coordinating Commission shall not disseminate the data, except as required by
2.19 state or federal law.

2.20 Subd. 3. **Federal correctional facilities.** By April 15 in a year ending in zero, the director
2.21 of the Legislative Coordinating Commission must request each agency that operates a federal
2.22 facility in Minnesota that incarcerates persons convicted of a criminal offense to provide
2.23 the director with a report, including the information listed in subdivision 2. The information
2.24 must reflect the individuals incarcerated in the federal facility on April 1 of that year. The
2.25 information must be provided by December 31 of the year ending in zero.

2.26 Subd. 4. **Legislative Coordinating Commission duties.** The director of the Legislative
2.27 Coordinating Commission must reallocate and exclude people who are incarcerated as
2.28 provided in subdivision 1. Within 14 calendar days of receiving the Public Law 94-171 data
2.29 from the United States Census Bureau, the director must post the population counts that
2.30 reflect all required reallocations and exclusions on the Legislative Coordinating Commission's
2.31 website.

2.32 **EFFECTIVE DATE.** This section is effective January 1, 2030, and applies to population
2.33 counts used for redistricting conducted on or after that date.

3.1 Sec. 2. [241.062] COLLECTION OF INMATE'S ADDRESS.

3.2 (a) As part of an inmate's intake process, the commissioner of corrections shall ensure
3.3 that the inmate's last residential address before incarceration is collected and recorded.

3.4 (b) On or before September 30 in the year of the decennial census, the commissioner of
3.5 corrections shall identify the inmates for whom the department does not have a last residential
3.6 address, contact these inmates, and collect and record each inmate's last residential address.

3.7 (c) The inmate's last residential address and the information listed in section 2.93,
3.8 subdivision 2, clauses (1) to (5), collected and maintained by the commissioner is private
3.9 data on individuals as defined in section 13.02, subdivision 12.

3.10 (d) Beginning in 2030, the commissioner shall provide the information described in this
3.11 section electronically to the director of the Legislative Coordinating Commission as required
3.12 in section 2.93.