

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 24.2-314 of the Code of Virginia, relating to reapportionment; reallocation of*
 3 *populations; civil commitment facilities.*

4 [S 88]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 24.2-314 of the Code of Virginia is amended and reenacted as follows:**8 **§ 24.2-314. Population data; reallocation of certain populations.**

9 A. Persons incarcerated in federal correctional facilities and in state and local correctional facilities, as
 10 those terms are defined in § 53.1-1, *or persons civilly committed to a facility operated by the Department of*
 11 *Behavioral Health and Developmental Services pursuant to Chapter 9 (§ 37.2-900 et seq.) of Title 37.2* shall
 12 be counted and reallocated for redistricting and reapportionment purposes in accordance with the provisions
 13 of this section and the following:

14 1. A person incarcerated in a federal, state, or local correctional facility *or a person civilly committed to a*
 15 *facility operated by the Department of Behavioral Health and Developmental Services pursuant to Chapter 9*
 16 *(§ 37.2-900 et seq.) of Title 37.2* whose address at the time of incarceration *or civil commitment* was located
 17 within the Commonwealth shall be deemed to reside at such address.

18 2. A person incarcerated in a federal, state, or local correctional facility *or a person civilly committed to a*
 19 *facility operated by the Department of Behavioral Health and Developmental Services pursuant to Chapter 9*
 20 *(§ 37.2-900 et seq.) of Title 37.2* whose address at the time of incarceration *or civil commitment* was located
 21 outside of the Commonwealth or whose address at the time of incarceration *or civil commitment* cannot be
 22 determined shall be deemed to reside at the location of the facility in which he is incarcerated *or civilly*
 23 *committed.*

24 B. By July 1 of any year in which the decennial census is taken, the Department of Corrections and the
 25 State Board of Local and Regional Jails shall provide to the Division of Legislative Services, in a format
 26 specified by the Division of Legislative Services, the following information for each person who was
 27 incarcerated in a state or local correctional facility on April 1 of that year:

28 1. A unique identifier, other than his name or offender identification number, assigned by the Department
 29 of Corrections or the State Board of Local and Regional Jails for this purpose;

30 2. His residential street address at the time of incarceration, or other legal residence, if known;

31 3. His race, his ethnicity as identified by him, and whether he is 18 years of age or older; and

32 4. The street address of the correctional facility in which he was incarcerated on April 1 of that year.

33 C. *By July 1 of any year in which the decennial census is taken, the Department of Behavioral Health and*
 34 *Developmental Services shall provide to the Division of Legislative Services, in a format specified by the*
 35 *Division of Legislative Services, the following information for each person who was civilly committed to a*
 36 *facility operated by the Department of Behavioral Health and Developmental Services pursuant to Chapter 9*
 37 *(§ 37.2-900 et seq.) of Title 37.2 on April 1 of that year:*

38 1. *A unique identifier, other than his name, assigned by the Department of Behavioral Health and*
 39 *Developmental Services for this purpose;*

40 2. *His residential street address at the time of commitment, or other legal residence, if known;*

41 3. *His race, his ethnicity as identified by him, and whether he is 18 years of age or older; and*

42 4. *The street address of the facility in which he was civilly committed on April 1 of that year.*

43 D. The Division of Legislative Services shall request each agency operating a federal correctional facility
 44 in the Commonwealth that incarcerates persons convicted of a criminal offense to provide to the Division of
 45 Legislative Services by July 1 of any year in which the decennial census is taken a record containing the
 46 information specified in subsection B for each person who was incarcerated in the facility on April 1 of that
 47 year. Any person incarcerated in a federal correctional facility for whom a record is not received by the
 48 Division of Legislative Services shall be deemed to have an address at the time of incarceration that cannot
 49 be determined.

50 ~~D.~~ E. The Division of Legislative Services shall prepare adjusted population data, including race and
 51 ethnicity data, in a manner that reflects the inclusion of incarcerated *and civilly committed* persons in the
 52 population count of the locality in which he is deemed to reside pursuant to subdivision A 1 or 2.

53 This adjusted population data shall be used for purposes of redistricting and reapportionment and shall be
 54 the basis for congressional, state Senate, House of Delegates, and local government election districts. This
 55 adjusted population data shall not be used in the distribution of any federal or state aid.

56 ~~E.~~ F. The Division of Legislative Services shall make the adjusted population data available no later than

57 30 days following receipt of population data from the United States Bureau of the Census pursuant to P.L.
58 94-171. In making this data available, the Division of Legislative Services shall ensure no information
59 regarding a specific incarcerated *or civilly committed* person's address at the time of incarceration *or*
60 *commitment* is made public.