

**§1208. Incarcerated persons**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6. [PL 2023, c. 373, §1 (NEW).]

B. "Residence" has the same meaning as described in section 112, subsection 1. [PL 2023, c. 373, §1 (NEW).]  
[PL 2023, c. 373, §1 (NEW).]

**2. Counting incarcerated persons for apportionment.** A person whose usual residence is determined by the Federal Decennial Census to be a correctional facility in this State must be counted for apportionment under this chapter as follows.

A. If the records of the Department of Corrections show the person has a residence address in this State immediately prior to incarceration, that address must be considered that person's residence for purposes of apportionment under this chapter. [PL 2023, c. 373, §1 (NEW).]

B. If the records of the Department of Corrections do not show the person's residence address immediately prior to incarceration, or show a residence address immediately prior to incarceration that is not within this State, that person may not be counted for apportionment under this chapter. [PL 2023, c. 373, §1 (NEW).]  
[PL 2023, c. 373, §1 (NEW).]

**3. Department of Corrections to provide data.** Notwithstanding any provision of law respecting confidentiality to the contrary, the Department of Corrections shall provide to the Legislative Apportionment Commission, to the extent the department possesses or has access to the data, the preincarceration residence address and other demographic data of persons who are incarcerated in a correctional facility as of 12:01 a.m. on the date of the most recent Federal Decennial Census. This demographic data must include but is not limited to the last known complete preincarceration street address of the person, the person's race, age and gender and whether the person is a veteran. The department shall provide this data within 30 days of the first meeting of the commission. The data provided by the department is not a public record and the commission shall institute measures to safeguard its confidentiality and to ensure its safekeeping upon conclusion of the commission's work. [PL 2023, c. 373, §1 (NEW).]

**4. Construction.** This section may not be construed to affect the population count in any geographical area for any purposes other than apportionment. [PL 2023, c. 373, §1 (NEW).]

**SECTION HISTORY**

PL 2023, c. 373, §1 (NEW).

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