SPONSOR: Rep. Keeley & Rep. J. Johnson & Rep. D.P. Williams & Sen. Henry
Reps. Barbieri, Briggs King, Brady, Cathcart, Hocker, Hudson, Kovach, Mitchell, Oberle, Outten, Schwartzkopf, Wilson; Sens. Marshall, McDowell

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 384

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO STATE GOVERNMENT

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29 of the Delaware Code by inserting a new Section 804A reading as follows:

"§ 804A. Determining district boundaries for incarcerated individuals; criteria.

(A) The General Assembly, in determining the reapportionment and redistricting for the State, applying the criteria set forth in § 804 of this Subchapter, and using the official reporting of the federal decennial census as set forth in § 805 of this Subchapter, shall not count as part of the population in a given district boundary any incarcerated individual who:

(1) Was incarcerated in a State or Federal correctional facility, as determined by the decennial census; and

(2) Was not a resident of the State before the person's incarceration.

(B) The General Assembly, in determining the reapportionment and redistricting for the State as provided in this Subchapter, shall count as part of the population in a given district boundary any individual incarcerated in a State or Federal correctional facility, as determined by the decennial census, if the individual was a resident of the State prior to incarceration. Such individual shall be counted for reapportionment and redistricting purposes at the individual's last known residence prior to incarceration.".

SYNOPSIS

This Act amends the provisions of the Delaware Code relating to the criteria that the General Assembly must apply in determining the reapportionment and redistricting for the State. The Act provides that the General Assembly may not count as part of the population in a given district boundary any incarcerated individual who was not a resident of the State prior to the individual's incarceration. In addition, the Act requires that an individual who was a resident of the State of Delaware prior to incarceration be counted at the individual's last known residence prior to incarceration, as opposed to at the address of the correctional facility.

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