

House Bill 163

By: Representatives Dawkins-Haigler of the 93rd, Mayo of the 91st, Beasley-Teague of the 65th, Stephenson of the 92nd, Heard of the 114th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding the General Assembly, so as to provide for the inclusion and
3 exclusion of certain prisoners in population counts when redistricting plans are created; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general
8 provisions regarding the General Assembly, is amended by adding a new Code section to
9 read as follows:

10 "28-1-18.

11 (a) The population count used after each decennial census for the purpose of creating the
12 congressional districting plan used to elect the state's representatives in Congress:

13 (1) Shall not include individuals who:

14 (A) Were incarcerated in state or federal correctional facilities, as determined by the
15 United States decennial census; and

16 (B) Were not residents of the State of Georgia before their incarceration; and

17 (2) Shall count individuals incarcerated in state or federal correctional facilities in this
18 state, as determined by the United States decennial census, at their last known residence
19 before incarceration if the individuals were residents of the State of Georgia.

20 (b) The population count used after each decennial census for the purpose of creating the
21 legislative districting plan for the General Assembly:

22 (1) Shall not include individuals who:

23 (A) Were incarcerated in state or federal correctional facilities, as determined by the
24 United States decennial census; and

25 (B) Were not residents of the State of Georgia before their incarceration; and

26 (2) Shall count individuals incarcerated in state or federal correctional facilities, as
27 determined by the United States decennial census, at their last known residence before
28 incarceration if the individuals were residents of the State of Georgia.

29 (c) The population count used after each decennial census for the purpose of creating
30 districts that are used to elect the governing body of a county or a municipal corporation:

31 (1) Shall not include individuals who:

32 (A) Were incarcerated in state or federal correctional facilities, as determined by the
33 United States decennial census; and

34 (B) Were not residents of the State of Georgia before their incarceration; and

35 (2) Shall count individuals incarcerated in state or federal correctional facilities, as
36 determined by the United States decennial census, at their last known residence before
37 incarceration if the individuals were residents of the State of Georgia."

38 **SECTION 2.**

39 All laws and parts of laws in conflict with this Act are repealed.