



Inmates to play new redistricting role

Maryland law changes way federal, state prisoners are counted

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A new law will play a role in the pending redistricting of Anne Arundel County and the rest of Maryland by changing the way prisoners in state and federal institutions are counted.

The law, passed in the recent General Assembly session and set to take effect Oct. 1, will exclude individuals who were not state residents prior to their incarceration in state or federal correctional institutions from the population numbers used to create congressional, state, county and municipal legislative districts.

It also requires prisoners to be counted as residents of their last known address, rather than

lumped into the areas — such as Jessup in Anne Arundel County — where the facilities are located. Under current U.S. Census Bureau guidelines, prisoners are counted where they are at the time of a census interview.

Del. Joseline Pena-Melnyk, D-College Park, the House sponsor of the bill, said the new law is meant “to create equality among the districts in Maryland,” prevent nonvoting prisoners from inflating a district’s size, and reflect the number of released inmates who go back to their homes.

“(Past law) exaggerates the power of those districts,” she said.

The initiative, which came out of discussions in the Legislative Black Caucus, was spurred by the experience of Somerset County. No African-American has ever been elected or appointed as a county commissioner there even though 42 percent of the county’s population is black and a 1986 voting rights

settlement was supposed to create a “majority-minority” district.

In a January letter to the attorney general, the caucus said this is caused by the inclusion of the Eastern Correctional Institution in that district, undermining the power of the minorities who can actually vote.

Maryland is set to go through another redistricting process following the completion of the 2010 census. According to the state Department of Legislative Services, the target population for a General Assembly legislative district is expected to increase from about 113,000 to 120,000 people.

That means a district could shift if it loses inmates and hasn’t seen a corresponding amount of new residents. There are about 5,000 inmates in six state correctional facilities in Jessup, with five of them in Anne Arundel County, according to Mark Vernarelli, a

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spokesman for the state Department of Public Safety and Correctional Services. The state is in the process of creating a database of prisoners’ previous addresses, he said.

Councilman Daryl Jones, D-Severn, represents the Jessup area and anticipates it is unlikely his district will be greatly affected since the area has experienced population increases as well. In addition, the new law will only affect district lines and not any counts used for funding purposes.

“On average, there is probably no real loss,” he said.

Pena-Melnyk and other District 21 state representatives — Del. Ben Barnes,

Del. Barbara Frush and Sen. Jim Rosapepe, all Democrats who voted for the bill, too — conceivably could lose ground because their district includes Jessup as well.

Pena-Melnyk believes the importance of equity overrides any parochial interest.

“It doesn’t matter,” she said. “To me, it is just a fair way to count.”

Some opponents of the bill, such as lawmakers in western Maryland, have criticized it as an attempt by urban politicians to shore up their own declining districts and contend inmates still use community resources near the prisons, like hospitals.

House Minority Whip Christopher Shank, R-Washington, said inmates in western Maryland often have sentences stretching into decades.

“It is a blatant power grab

from Democrats ... to bolster their population numbers,” he said. “(Inmates) are in there for a long time.”

Shank, who has thousands of prisoners in his area, said there also is a danger in “slicing and dicing” rural districts to the point where some counties don’t have representation from a resident.

“That would split up a community,” he said.

But Sen. Catherine Pugh, D-Baltimore City, the Senate sponsor of the bill, disagreed with those comments and said every taxpayer in the state bears the cost of prisoners. Inmates don’t use the parks, schools or roads where they are incarcerated, she said.

“It is not a power grab,” Pugh said. “It was the right thing to do.”

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