

# SENATE BILL REPORT

## 3SSB 5558

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As Passed Senate, May 2, 2017

**Title:** An act relating to issuing a two-year identicard for offenders released from prison facilities.

**Brief Description:** Issuing a two-year identicard for offenders released from prison facilities.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Darneille, O'Ban and Angel; by request of Department of Corrections).

**Brief History:**

**Committee Activity:** Law & Justice: 2/15/17, 2/16/17 [DPS-TRAN].

Transportation: 2/20/17, 2/21/17 [DP2S-WM].

Ways & Means: 2/23/17, 2/24/17 [DP3S, w/oRec].

**Floor Activity:**

Passed Senate: 3/07/17, 46-3.

**First Special Session:** Passed Senate: 5/02/17, 43-2.

### Brief Summary of Third Substitute Bill

- Requires the Department of Corrections, working in conjunction with the Department of Licensing, to create and implement a program to provide a state-issued identicard to certain offenders released within Washington.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5558 be substituted therefor, and the substitute bill do pass and be referred to Committee on Transportation.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Angel, Darneille, Frockt and Wilson.

**Staff:** Shani Bauer (786-7468)

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That Second Substitute Senate Bill No. 5558 be substituted therefor, and the second substitute bill do pass and be referred to Committee on Ways & Means.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators King, Chair; Sheldon, Vice Chair; Hobbs, Ranking Minority Member; Liias, Assistant Ranking Minority Member; Cleveland, Ericksen, Fortunato, Hawkins, O'Ban, Saldaña, Takko, Van De Wege, Walsh and Wilson.

**Staff:** Kellee Keegan (786-7429)

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## SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Third Substitute Senate Bill No. 5558 be substituted therefor, and the third substitute bill do pass.

Signed by Senators Braun, Chair; Brown, Vice Chair; Rossi, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Bailey, Becker, Conway, Darneille, Fain, Keiser, Miloscia, Pedersen, Rivers, Schoesler, Warnick and Zeiger.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Hasegawa.

**Staff:** Travis Sugarman (786-7446)

**Background:** Identicards. The Department of Licensing (DOL) issues identification cards known as identicards. Identicards expire on the sixth anniversary of the applicant's birthdate after issuance, at which time they may be renewed. DOL must issue an identicard to any applicant who:

- does not hold a valid Washington driver's license;
- proves their identity; and
- pays a \$54 fee, which may be reduced to the cost of identicard production if the applicant receives public assistance grants.

Issuance of Identicards to Released Offenders. DOL and the Department of Corrections (DOC) have a memorandum of understanding to issue identicards to offenders released from correctional facilities. Before an offender is released, DOC provides DOL with the offender's identifying information. Once released, an offender may present their DOC-issued identification card at a DOL office, where a DOL employee verifies the offender's identity and collects the applicable \$54 fee before issuing an identicard.

In 2016, the Governor issued Executive Order 16-05 "Building Safe and Strong Communities Through Successful Reentry" requiring DOL to identify a mechanism to ensure that all offenders leaving a state correctional facility have an identification card.

Monroe Correctional Complex Pilot Program. The DOL and the DOC previously administered a pilot identicard program within the Monroe Correctional Complex (MCC). The program provided offenders with a state-issued identicard, which expired on the first anniversary of the offender's birthdate after issuance. Expenditures for the pilot program were funded out of the 2014 Supplemental Operating Budget, and DOL was not permitted to charge any fee to an offender.

Offenders were eligible for an identicard provided they:

- proved their identity, which could be done using a DOC-issued identification card;
- were under the custody of DOC;
- had been sentenced to a period of incarceration exceeding one year and one day; and
- were within two months of release from Monroe.

**Summary of Third Substitute Bill:** DOC, working in conjunction with DOL, must create and implement a program to provide a state-issued identicard to certain offenders released within Washington. DOC and DOL may implement the program over a period of time not to exceed 12 months and may enter into a memorandum of understanding to do so.

An offender is eligible for an identicard provided they:

- are sentenced to DOC custody, and incarcerated within a correctional facility with an earned release date that is more than one year from their admission date;
- have not been to be subject to an immigration detainer or a removal order and does not become subject to a removal order during the period of incarceration;
- are expected to be released to a location within Washington; and
- pay a fee of \$18 for the cost of the identicard.

A DOC-issued identification card may serve as proof of identity and residency in obtaining an identicard. An identicard issued under this program expires two years from the first anniversary of the offender's birthdate after issuance.

DOC must inquire as to a person's immigration status prior to issuance of an identicard and cannot be prohibited from an investigation of a person's legal presence.

DOL shall charge an \$18 fee for each identicard issued under this program.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill (Law & Justice):** *The committee recommended a different version of the bill than what was heard.* PRO: It can take up to 30 days or more for an offender to get some type of identification after release from prison. The identicard is needed in order to secure housing, secure employment, and address other related necessities. We want to make every effort to help released people avoid predictable conditions that can lead to future recidivism. Facilitating successful reentry is in our best interest as a society. Texas, Ohio, and DC have all implemented a similar program. The program is supported by prosecutors, law enforcement, and defenders. This bill is part of a statewide approach to recidivism reduction and removing a significant barrier for offenders reentering into society. DOL and DOC have worked hard to reduce the cost associated with the program and serve those who need it most.

**Persons Testifying (Law & Justice):** PRO: Senator Jeannie Darneille, Prime Sponsor; Devon Schrum, Department of Corrections.

**Persons Signed In To Testify But Not Testifying (Law & Justice):** No one.

**Staff Summary of Public Testimony on Second Substitute (Transportation):** PRO: This bill has to do with reentry. The offenders leave incarceration and need to enter the workforce. This ID card program is a part of the reentry promise by looking at the barriers they face. This legislation is an important step in public safety. This supports reducing recidivism. Obtaining a proper ID is important to reentry and ensures housing and treatment and assists in providing the best foot forward when seeking employment upon release. The Department of Corrections' work with the DOL in getting something that both agencies can work with and is appreciated.

OTHER: This bill is better than it was two years ago but we cannot, as a state, issue ID cards to those who are not here lawfully. These people need help when they're released but recently released criminal aliens should not be empowered. There should be a lawful presence requirement. The bill would be improved by providing offenders an enhanced ID card so they may access federal buildings and board aircraft.

**Persons Testifying (Transportation):** PRO: Senator Jeannie Darneille, Prime Sponsor; Devon Schrum, Department of Corrections; Tony Sermonti, Dept. of Licensing.

OTHER: Craig Keller, Respect Washington.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.

**Staff Summary of Public Testimony on Second Substitute (Ways & Means):** *The committee recommended a different version of the bill than what was heard.* PRO: This is a very sensible, reasonable kind of effort to allow people coming out of prison, because they have proof of who they are, they can actually get a driver's license, get involved with treatment programs, or sign a lease on an apartment or things like that. Department of Corrections is working on a statewide approach to recidivism. This bill is an important step in improving public safety by providing releasing individuals with a state issued identification card. This is a cornerstone of re-entry. An ID is necessary to enter basic necessities such as housing, treatment and employment. This removes a significant barrier for re-entry.

**Persons Testifying (Ways & Means):** PRO: Devon Schrum, Department of Corrections.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.