

E2SHB 2099 - S COMM AMD
By Committee on Transportation

ADOPTED 03/01/2024

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to
4 read as follows:

5 (1) The department of corrections shall develop an individual
6 reentry plan as defined in RCW 72.09.015 for every incarcerated
7 individual who is committed to the jurisdiction of the department
8 except:

9 (a) Incarcerated individuals who are sentenced to life without
10 the possibility of release or sentenced to death under chapter 10.95
11 RCW; and

12 (b) Incarcerated individuals who are subject to the provisions of
13 8 U.S.C. Sec. 1227.

14 (2) The individual reentry plan may be one document, or may be a
15 series of individual plans that combine to meet the requirements of
16 this section.

17 (3) In developing individual reentry plans, the department shall
18 assess all incarcerated individuals using standardized and
19 comprehensive tools to identify the criminogenic risks, programmatic
20 needs, and educational and vocational skill levels for each
21 incarcerated individual. The assessment tool should take into account
22 demographic biases, such as culture, age, and gender, as well as the
23 needs of the incarcerated individual, including any learning
24 disabilities, substance abuse or mental health issues, and social or
25 behavior challenges.

26 (4)(a) The initial assessment shall be conducted as early as
27 sentencing, but, whenever possible, no later than forty-five days of
28 being sentenced to the jurisdiction of the department of corrections.

29 (b) The incarcerated individual's individual reentry plan shall
30 be developed as soon as possible after the initial assessment is
31 conducted, but, whenever possible, no later than sixty days after

1 completion of the assessment, and shall be periodically reviewed and
2 updated as appropriate.

3 (5) The individual reentry plan shall, at a minimum, include:

4 (a) A plan to maintain contact with the incarcerated individual's
5 children and family, if appropriate. The plan should determine
6 whether parenting classes, or other services, are appropriate to
7 facilitate successful reunification with the incarcerated
8 individual's children and family;

9 (b) An individualized portfolio for each incarcerated individual
10 that includes the incarcerated individual's education achievements,
11 certifications, employment, work experience, skills, and any training
12 received prior to and during incarceration; and

13 (c) A plan for the incarcerated individual during the period of
14 incarceration through reentry into the community that addresses the
15 needs of the incarcerated individual including education, employment,
16 substance abuse treatment, mental health treatment, family
17 reunification, and other areas which are needed to facilitate a
18 successful reintegration into the community.

19 (6)(a) Prior to discharge of any incarcerated individual, the
20 department shall:

21 (i) Evaluate the incarcerated individual's needs and, to the
22 extent possible, connect the incarcerated individual with existing
23 services and resources that meet those needs; ~~((and))~~

24 (ii) Connect the incarcerated individual with a community justice
25 center and/or community transition coordination network in the area
26 in which the incarcerated individual will be residing once released
27 from the correctional system if one exists; and

28 (iii) Ensure that every consenting incarcerated individual
29 confined in a department of corrections facility for 60 days or
30 longer possesses a valid identicard or driver's license, issued by
31 the department of licensing under chapter 46.20 RCW, prior to the
32 individual's release to the community. Issuance of the identicard or
33 driver's license must not cause a delay in the incarcerated
34 individual's release to the community or transfer to partial
35 confinement. The department must:

36 (A) Pay any application fee required for obtaining the
37 identicard;

38 (B) Provide a photo of the incarcerated individual for use on the
39 identicard under RCW 46.20.035(1), which upon request of the
40 individual must be a different photo than the individual's mug shot

1 and not indicate that the individual was incarcerated at the time of
2 the photo; and

3 (C) Obtain a signature from the individual that is acceptable to
4 the department of licensing to use for an identicard or driver's
5 license.

6 (b) If the department recommends partial confinement in an
7 incarcerated individual's individual reentry plan, the department
8 shall maximize the period of partial confinement for the incarcerated
9 individual as allowed pursuant to RCW 9.94A.728 to facilitate the
10 incarcerated individual's transition to the community.

11 (7) The department shall establish mechanisms for sharing
12 information from individual reentry plans to those persons involved
13 with the incarcerated individual's treatment, programming, and
14 reentry, when deemed appropriate. When feasible, this information
15 shall be shared electronically.

16 (8) (a) In determining the county of discharge for an incarcerated
17 individual released to community custody, the department may approve
18 a residence location that is not in the incarcerated individual's
19 county of origin if the department determines that the residence
20 location would be appropriate based on any court-ordered condition of
21 the incarcerated individual's sentence, victim safety concerns, and
22 factors that increase opportunities for successful reentry and long-
23 term support including, but not limited to, location of family or
24 other sponsoring persons or organizations that will support the
25 incarcerated individual, ability to complete an educational program
26 that the incarcerated individual is enrolled in, availability of
27 appropriate programming or treatment, and access to housing,
28 employment, and prosocial influences on the person in the community.

29 (b) In implementing the provisions of this subsection, the
30 department shall approve residence locations in a manner that will
31 not cause any one county to be disproportionately impacted.

32 (c) If the incarcerated individual is not returned to his or her
33 county of origin, the department shall provide the law and justice
34 council of the county in which the incarcerated individual is placed
35 with a written explanation.

36 (d) (i) For purposes of this section, except as provided in
37 (d) (ii) of this subsection, the incarcerated individual's county of
38 origin means the county of the incarcerated individual's residence at
39 the time of the incarcerated individual's first felony conviction in
40 Washington state.

1 (ii) If the incarcerated individual is a homeless person as
2 defined in RCW 43.185C.010, or the incarcerated individual's
3 residence is unknown, then the incarcerated individual's county of
4 origin means the county of the incarcerated individual's first felony
5 conviction in Washington state.

6 (9) Nothing in this section creates a vested right in
7 programming, education, or other services.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 72.09
9 RCW to read as follows:

10 (1) The department must issue a department of corrections
11 identification card to an incarcerated person in a correctional
12 facility for identification and use while in that facility.

13 (2) The department must also issue a department of corrections
14 identification card under this section to any individual in community
15 custody upon the individual's request and may require the individual
16 to report to the closest correctional facility to facilitate
17 completion of the request.

18 **Sec. 3.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to
19 read as follows:

20 The department may not issue an identicard or a Washington state
21 driver's license that is valid for identification purposes unless the
22 applicant meets the identification requirements of subsection (1),
23 (2), or (3) of this section.

24 (1) A driver's license or identicard applicant must provide the
25 department with at least one of the following pieces of valid
26 identifying documentation that contains the signature and a
27 photograph of the applicant:

28 (a) A valid or recently expired driver's license or instruction
29 permit that includes the date of birth of the applicant;

30 (b) A Washington state identicard or an identification card
31 issued by another state;

32 (c) An identification card issued by the United States, a state,
33 or an agency of either the United States or a state, of a kind
34 commonly used to identify the members or employees of the government
35 agency;

36 (d) A military identification card;

37 (e) A United States passport; ((~~⊕~~))

1 (f) (~~An immigration and naturalization~~) A citizenship and
2 immigration services service form;

3 (g) An identification card issued by the department of
4 corrections under section 2 of this act; or

5 (h) A patient identification verification document issued by a
6 facility under section 7 of this act.

7 (2) An applicant who is a minor may establish identity by
8 providing an affidavit of the applicant's parent or guardian. The
9 parent or guardian must accompany the minor and display or provide:

10 (a) At least one piece of documentation in subsection (1) of this
11 section establishing the identity of the parent or guardian; and

12 (b) Additional documentation establishing the relationship
13 between the parent or guardian and the applicant.

14 (3) A person unable to provide identifying documentation as
15 specified in subsection (1) or (2) of this section may request that
16 the department review other available documentation in order to
17 ascertain identity. The department may waive the requirement if it
18 finds that other documentation clearly establishes the identity of
19 the applicant. Notwithstanding the requirements in subsection (2) of
20 this section, the department shall issue an identicard to an
21 applicant for whom it receives documentation pursuant to RCW
22 74.13.283.

23 (4) An identicard or a driver's license that includes a
24 photograph that has been renewed by mail or by electronic commerce is
25 valid for identification purposes if the applicant met the
26 identification requirements of subsection (1), (2), or (3) of this
27 section at the time of previous issuance.

28 (5) The form of an applicant's name, as established under this
29 section, is the person's name of record for the purposes of this
30 chapter.

31 (6) If the applicant is unable to prove his or her identity under
32 this section, the department shall plainly label the license "not
33 valid for identification purposes."

34 **Sec. 4.** RCW 46.20.117 and 2021 c 158 s 5 are each amended to
35 read as follows:

36 (1) **Issuance.** The department shall issue an identicard,
37 containing a picture, if the applicant:

38 (a) Does not hold a valid Washington driver's license;

1 (b) Proves the applicant's identity as required by RCW 46.20.035;
2 and

3 (c) Pays the required fee. Except as provided in subsection (7)
4 of this section, the fee is seventy-two dollars, unless an applicant
5 is:

6 (i) A recipient of continuing public assistance grants under
7 Title 74 RCW, who is referred in writing by the secretary of social
8 and health services or by the secretary of children, youth, and
9 families;

10 (ii) Under the age of twenty-five and does not have a permanent
11 residence address as determined by the department by rule; or

12 (iii) An individual who is scheduled to be released from an
13 institution as defined in RCW 13.40.020, a community facility as
14 defined in RCW 72.05.020, a correctional facility as defined in RCW
15 72.09.015, or other juvenile rehabilitation facility operated by the
16 department of social and health services or the department of
17 children, youth, and families; or an individual who has been released
18 from such an institution or facility within thirty calendar days
19 before the date of the application.

20 For those persons under (c)(i) through (iii) of this subsection,
21 the fee must be the actual cost of production of the identicard.

22 (2)(a) **Design and term.** The identicard must:

23 (i) Be distinctly designed so that it will not be confused with
24 the official driver's license; and

25 (ii) Except as provided in subsection (7) of this section, expire
26 on the eighth anniversary of the applicant's birthdate after
27 issuance.

28 (b) The identicard may include the person's status as a veteran,
29 consistent with RCW 46.20.161(4).

30 (c) If applicable, the identicard may include a medical alert
31 designation as provided in subsection (5) of this section.

32 (3) **Renewal.** An application for identicard renewal may be
33 submitted by means of:

34 (a) Personal appearance before the department;

35 (b) Mail or electronic commerce, if permitted by rule of the
36 department and if the applicant did not renew the identicard by mail
37 or by electronic commerce when it last expired; or

38 (c) From January 1, 2022, to June 30, 2024, electronic commerce,
39 if permitted by rule of the department.

1 An identicard may not be renewed by mail or by electronic
2 commerce unless the renewal issued by the department includes a
3 photograph of the identicard holder.

4 (4) **Cancellation.** The department may cancel an identicard if the
5 holder of the identicard used the card or allowed others to use the
6 card in violation of RCW 46.20.0921.

7 (5) Any person may apply to the department to obtain a medical
8 alert designation, a developmental disability designation, or a
9 deafness designation on an identicard issued under this chapter by
10 providing:

11 (a) Self-attestation that the individual:

12 (i) Has a medical condition that could affect communication or
13 account for a health emergency;

14 (ii) Is deaf or hard of hearing; or

15 (iii) Has a developmental disability as defined in RCW
16 71A.10.020;

17 (b) A statement from the person that they have voluntarily
18 provided the self-attestation and other information verifying the
19 condition; and

20 (c) For persons under eighteen years of age or who have a
21 developmental disability, the signature of a parent or legal
22 guardian.

23 (6) A self-attestation or data contained in a self-attestation
24 provided under this section:

25 (a) Shall not be disclosed; and

26 (b) Is for the confidential use of the director, the chief of the
27 Washington state patrol, and law enforcement and emergency medical
28 service providers as designated by law.

29 (7) **Alternative issuance/renewal/extension.** The department may
30 issue or renew an identicard for a period other than eight years, or
31 may extend by mail or electronic commerce an identicard that has
32 already been issued. The fee for an identicard issued or renewed for
33 a period other than eight years, or that has been extended by mail or
34 electronic commerce, is nine dollars for each year that the
35 identicard is issued, renewed, or extended. The department must offer
36 the option to issue or renew an identicard for six years in addition
37 to the eight year issuance. The department may adopt any rules as are
38 necessary to carry out this subsection.

39 (8) Identicard photos must be updated in the same manner as
40 driver's license photos under RCW 46.20.120(5).

1 **Sec. 5.** RCW 46.20.286 and 2005 c 282 s 47 are each amended to
2 read as follows:

3 (1) The department of licensing shall adopt procedures in
4 cooperation with the administrative office of the courts and the
5 department of corrections to implement RCW 46.20.285.

6 (2) The department of licensing shall ensure that the department
7 of corrections has direct access to appropriate department of
8 licensing systems in order that the department of corrections may
9 assist incarcerated individuals with obtaining a driver's license
10 under this chapter, prior to an individual's release from
11 confinement.

12 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.48
13 RCW to read as follows:

14 (1) By July 1, 2025, using previous experience working with
15 Washington prisons and jails, the department of licensing, in
16 consultation with the Washington association of sheriffs and police
17 chiefs, shall develop a model policy, process, and appropriate forms
18 and informational materials for the department of licensing and
19 governing units responsible for a city, county, or
20 multijurisdictional jail to assist individuals in custody of the jail
21 with obtaining a state-issued identicard pursuant to RCW 46.20.117.
22 The process must include facilitating communication between an
23 individual in custody and the department of licensing.

24 (2) Nothing in this section limits or prohibits a city, county,
25 or multijurisdictional jail from assisting an individual in custody
26 with obtaining an original, renewal, or replacement identicard.

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.23
28 RCW to read as follows:

29 (1) The following entities must each ensure that every consenting
30 patient possesses a valid identicard, issued by the department of
31 licensing under chapter 46.20 RCW, prior to the individual's release
32 from care in the applicable facility:

33 (a) State hospitals licensed under chapter 72.23 RCW;

34 (b) The special commitment center and secure community transition
35 facilities licensed under RCW 71.09.250 and 71.09.290; or

36 (c) Residential treatment facilities that provide mental health
37 services operated by the department of social and health services.

38 (2) The facilities listed in subsection (1) of this section must:

1 (a) Pay any applicable application fee required for obtaining the
2 identicard;

3 (b) Provide a photo of the patient for use on the identicard
4 under RCW 46.20.035(1); and

5 (c) Obtain a signature or mark from the patient that is
6 acceptable to the department of licensing to use for an identicard.

7 (3) Issuance of an identicard under this section must not cause a
8 delay in the release of an individual.

9 (4) The facilities in subsection (1) of this section must each
10 provide a patient identification verification document for any
11 patient in the custody of the facility, which must include the
12 individual's legal first and last name, facility medical
13 identification number, photo, patient or authorized representative
14 signature or mark, and signature of social work supervisor or
15 manager.

16 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2025.

17 NEW SECTION. **Sec. 9.** If specific funding for the purposes of
18 this act, referencing this act by bill or chapter number, is not
19 provided by June 30, 2024, in the omnibus appropriations act, this
20 act is null and void."

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ADOPTED 03/01/2024

21 On page 1, line 2 of the title, after "care;" strike the
22 remainder of the title and insert "amending RCW 72.09.270, 46.20.035,
23 46.20.117, and 46.20.286; adding a new section to chapter 72.09 RCW;
24 adding a new section to chapter 70.48 RCW; adding a new section to
25 chapter 72.23 RCW; creating a new section; and providing an effective
26 date."

EFFECT: (1) Modifies the requirement to ensure incarcerated
individual's possess a valid identicard or driver's license to those
confined longer than 60 days in a Department of Corrections facility.

(2) Adds partial confinement as location by which the issuance of the identicard or driver's license must not cause a delay in release to.

--- END ---