

E2SHB 1320 - S COMM AMD

By Committee on Law & Justice

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 72.09
4 RCW to read as follows:

5 (1) The department, in conjunction with the department of
6 licensing, must provide offenders with a state-issued identicard
7 pursuant to RCW 46.20.117.

8 (2) An offender is eligible for an original, renewal, or
9 replacement identicard under this section if he or she:

10 (a) Has been sentenced to a term of confinement totaling more
11 than one year and committed to department custody;

12 (b) Is confined within a state correctional facility and has at
13 least sixty days remaining on his or her confinement term as of the
14 effective date of this section;

15 (c) Has not waived his or her right under this section to an
16 identicard;

17 (d) Does not have a current and valid state-issued identification
18 card; and

19 (e) Is a United States citizen or is lawfully present within the
20 United States. The department of licensing must verify the status of
21 an applicant through either the systematic alien verification for
22 entitlements program or through verification of the applicant's
23 social security number with the United States social security
24 administration. A person may prove his or her citizenship by
25 providing a valid, unexpired United States passport or passport card,
26 a certified copy of a birth certificate, a consular report of birth
27 abroad issued by the United States department of state, a certificate
28 of naturalization issued by the department of homeland security, or a
29 certificate of citizenship. A person may prove his or her lawful
30 presence within the United States by providing documentation that he
31 or she is an alien:

32 (i) Lawfully admitted for permanent or temporary residence in the
33 United States;

1 (ii) With conditional permanent resident status in the United
2 States;

3 (iii) Who has an approved application for asylum in the United
4 States or has entered into the United States in refugee status;

5 (iv) Who has a valid nonimmigrant status in the United States;

6 (v) Who has a pending application for asylum in the United
7 States;

8 (vi) Who has a pending or approved application for temporary
9 protected status in the United States;

10 (vii) Who has a pending application for lawful permanent
11 residence or conditional permanent resident status; or

12 (viii) Who has approved deferred action status from a deferred
13 action program established before November 20, 2014. A person with
14 approved deferred action status from a program established before
15 November 1, 2014, that is based on any expansion of eligibility
16 criteria to the deferred action program that occurred after November
17 20, 2014, is not an acceptable form of lawful presence under this
18 subsection (2).

19 (3) An offender's valid identification card issued by the
20 department may serve as sufficient proof of identity and residency
21 under RCW 46.20.035 to obtain a state-issued identicard pursuant to
22 RCW 46.20.117.

23 (4) An offender receiving a state-issued identicard pursuant to
24 this section must pay a fee as established in RCW 46.20.117 to the
25 department to offset the cost of obtaining the identicard. Provided
26 such action does not reduce an offender's account below the indigency
27 level, such costs may be paid or deducted from the offender's gross
28 wages, gratuities, or the offender's personal inmate savings account.
29 If an offender's inmate account is below the indigency level, or
30 would become below the indigency level as a result of paying such
31 fee, the department may pay or subsidize the cost associated with
32 issuing the identicard to the offender.

33 **Sec. 2.** RCW 46.20.117 and 2012 c 80 s 6 are each amended to read
34 as follows:

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

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

38 ((b)) (ii) Proves his or her identity as required by RCW
39 46.20.035; and

1 ~~((e))~~ (iii) Pays the required fee. Except as provided in (b) of
2 this subsection and subsection (5) of this section, the fee is forty-
3 five dollars from October 1, 2012, to June 30, 2013, and fifty-four
4 dollars after June 30, 2013, unless an applicant is a recipient of
5 continuing public assistance grants under Title 74 RCW, who is
6 referred in writing by the secretary of social and health services.
7 For those persons the fee must be the actual cost of production of
8 the identicard; or

9 (b) Qualifies for an identicard under section 1 of this act.

10 (i) An identicard issued under this subsection (1)(b) expires one
11 year from the first anniversary of the offender's birth date after
12 issuance.

13 (ii) The department may charge the department of corrections a
14 fee of the amount appropriate to cover the cost of production of an
15 identicard issued under this subsection (1)(b).

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

17 (a) Be distinctly designed so that it will not be confused with
18 the official driver's license; and

19 (b) Except as provided in subsection (1)(b) or (5) of this
20 section, expire on the sixth anniversary of the applicant's birthdate
21 after issuance.

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

24 (a) Personal appearance before the department; or

25 (b) Mail or electronic commerce, if permitted by rule of the
26 department and if the applicant did not renew his or her identicard
27 by mail or by electronic commerce when it last expired.

28 An identicard may not be renewed by mail or by electronic
29 commerce unless the renewal issued by the department includes a
30 photograph of the identicard holder.

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

34 (5) **Alternative issuance/renewal/extension.** The department may
35 issue or renew an identicard for a period other than five years from
36 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,
37 or may extend by mail or electronic commerce an identicard that has
38 already been issued, in order to evenly distribute, as nearly as
39 possible, the yearly renewal rate of identicard holders. The fee for
40 an identicard issued or renewed for a period other than five years

1 from October 1, 2012, to June 30, 2013, or six years after June 30,
2 2013, or that has been extended by mail or electronic commerce, is
3 nine dollars for each year that the identicard is issued, renewed, or
4 extended. The department may adopt any rules as are necessary to
5 carry out this subsection.

6 **Sec. 3.** RCW 46.20.117 and 2014 c 185 s 2 are each amended to
7 read as follows:

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

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

11 (~~(b)~~) (ii) Proves his or her identity as required by RCW
12 46.20.035; and

13 (~~(c)~~) (iii) Pays the required fee. Except as provided in (b) of
14 this subsection and subsection (5) of this section, the fee is forty-
15 five dollars from October 1, 2012, to June 30, 2013, and fifty-four
16 dollars after June 30, 2013, unless an applicant is a recipient of
17 continuing public assistance grants under Title 74 RCW, who is
18 referred in writing by the secretary of social and health services.
19 For those persons the fee must be the actual cost of production of
20 the identicard; or

21 (b) Qualifies for an identicard under section 1 of this act.

22 (i) An identicard issued under this subsection (1)(b) expires one
23 year from the first anniversary of the offender's birth date after
24 issuance.

25 (ii) The department may charge the department of corrections a
26 fee of the amount appropriate to cover the cost of production of an
27 identicard issued under this subsection (1)(b).

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

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

31 (ii) Except as provided in subsection (1)(b) or (5) of this
32 section, expire on the sixth anniversary of the applicant's birthdate
33 after issuance.

34 (b) The identicard may include the person's status as a veteran,
35 consistent with RCW 46.20.161(2).

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

38 (a) Personal appearance before the department; or

1 (b) Mail or electronic commerce, if permitted by rule of the
2 department and if the applicant did not renew his or her identicard
3 by mail or by electronic commerce when it last expired.

4 An identicard may not be renewed by mail or by electronic
5 commerce unless the renewal issued by the department includes a
6 photograph of the identicard holder.

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

10 (5) **Alternative issuance/renewal/extension.** The department may
11 issue or renew an identicard for a period other than five years from
12 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,
13 or may extend by mail or electronic commerce an identicard that has
14 already been issued, in order to evenly distribute, as nearly as
15 possible, the yearly renewal rate of identicard holders. The fee for
16 an identicard issued or renewed for a period other than five years
17 from October 1, 2012, to June 30, 2013, or six years after June 30,
18 2013, or that has been extended by mail or electronic commerce, is
19 nine dollars for each year that the identicard is issued, renewed, or
20 extended. The department may adopt any rules as are necessary to
21 carry out this subsection.

22 NEW SECTION. **Sec. 4.** Section 2 of this act expires August 30,
23 2017.

24 NEW SECTION. **Sec. 5.** Section 3 of this act takes effect August
25 30, 2017.

26 NEW SECTION. **Sec. 6.** Except for section 3 of this act, this act
27 is necessary for the immediate preservation of the public peace,
28 health, or safety, or support of the state government and its
29 existing public institutions, and takes effect July 1, 2015."

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30 On page 1, line 2 of the title, after "offenders;" strike the
31 remainder of the title and insert "amending RCW 46.20.117 and
32 46.20.117; adding a new section to chapter 72.09 RCW; providing

1 effective dates; providing an expiration date; and declaring an
2 emergency."

EFFECT: Removes intent section. Adds the requirement of U.S. citizenship or lawful presence in order to obtain an identicard.

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