

HOUSE BILL REPORT

E2SHB 1320

As Passed House:
March 10, 2015

Title: An act relating to creating an identicard program for certain incarcerated offenders.

Brief Description: Creating an identicard program for certain incarcerated offenders.

Sponsors: House Committee on General Government & Information Technology (originally sponsored by Representatives Goodman and Moscoso; by request of Department of Corrections).

Brief History:

Committee Activity:

Public Safety: 1/27/15, 1/30/15 [DPS];

General Government & Information Technology: 2/10/15, 2/13/15 [DP2S(w/o sub PS)].

Floor Activity:

Passed House: 3/10/15, 97-0.

Brief Summary of Engrossed Second Substitute Bill

- Authorizes the Department of Corrections to work in conjunction with the Department of Licensing to implement an identicard program in order to provide state-issued identification cards to offenders upon release.
- Provides that an offender shall pay a fee to the Department of Corrections to offset the cost of obtaining the identicard.
- Allows the Department of Corrections to pay or subsidize the fee if an offender's inmate account would become below the indigency level upon paying the fee him or herself.

HOUSE COMMITTEE ON PUBLIC SAFETY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Griffey, Moscoso, Pettigrew and Wilson.

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.

Staff: Yvonne Walker (786-7841).

HOUSE COMMITTEE ON GENERAL GOVERNMENT & INFORMATION TECHNOLOGY

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Public Safety. Signed by 7 members: Representatives Hudgins, Chair; Senn, Vice Chair; MacEwen, Ranking Minority Member; Caldier, Assistant Ranking Minority Member; McCabe, Morris and Takko.

Staff: Rachele Harris (786-7137).

Background:

The Washington State Department of Licensing (DOL) issues driver's licenses, endorsements, and identicards that are valid for up to six years. An identicard is a nondriving Washington identification card (ID) issued by the DOL.

The DOL must issue an identicard, containing a picture, to any applicant provided that the applicant: (1) does not hold a valid Washington driver's license; (2) proves his or her identity; and (3) pays the required statutory \$54 fee, unless the applicant receives public assistance, in which case the cost is equal to the actual cost to produce the identicard.

Identicards are distinctly designed so that they are not confused with an official driver's license and expire on the sixth anniversary of the applicant's birth date after issuance. An applicant may renew an identicard by means of personal appearance at a DOL office, by mail, or electronic commerce.

Issuance of Identicards to Released Offenders.

The DOL and the Department of Corrections (DOC) have an interagency agreement relating to issuing ID cards to offenders released and leaving correctional facilities. The two agencies work jointly together to help provide offenders with an ID in one of two ways: (1) via a DOC/DOL Memorandum of Understanding (MOU); or (2) via a pilot program at the Monroe Correctional Complex (MCC).

The DOC and the DOL MOU. Under the MOU agreement, before an offender is released, the DOC electronically notifies the DOL with the offender's identifying information including his or her name, photo, date of birth, Social Security number and any known aliases. Once the offender is released to the community, he or she must take the DOC-issued ID card to a DOL office.

A DOL employee compares the information previously received from the DOC to the DOC ID card, verifies the applicant's Social Security number via the Social Security Administration database, has the person sign an application, takes a photo, and collects the applicable \$54 fee as set in statute. The DOL runs facial recognition on all applicants to prevent identity theft and then the applicant receives a temporary identicard card. The

permanent identicard (which is valid for six years) is mailed to the person's address by the DOL's central issuance vendor.

Monroe Pilot Program. In 2014 the DOL began working in conjunction with the DOC to create a pilot Identicard Program (program) within the MCC. The goal was to create a program to provide offenders with a state-issued identicard directly upon release from incarceration.

Each offender is eligible for an original, renewal, or replacement identicard provided he or she:

- meets the DOL's criteria of being able to prove his or her identity (a DOC ID is sufficient proof of identity);
- is under the custody of the DOC;
- had been sentenced to an incarceration period exceeding one year and one day; and
- is incarcerated within the MCC and is within two months or less of release from the correctional institution.

The DOL works with the DOC to obtain the offender's photo and uses a facial recognition program to place the person's photo on the ID card. The ID cards are mailed directly to the DOC before the person is released and leaves the facility. The DOL may not charge an offender any fee for an identicard issued under the pilot program. Expenditures for the pilot program are funded out of the 2014 Supplemental Operating Budget.

Monroe Correctional Complex.

The MCC (also referred to as the Washington State Reformatory) opened in 1910 and is one of the DOC's largest correctional facilities in Washington. The facility is located in Monroe, Washington, and has an operating capacity of 2,400 with custody levels ranging from minimum to closed custody levels.

During the 2014 fiscal year, approximately 6,435 offenders will be released from a DOC facility (excluding deportations, deaths, transfers to other jurisdictions, and those incarcerated exactly one year and one day in prison) statewide.

Summary of Engrossed Second Substitute Bill:

The DOL must work in conjunction with the DOC to create a program to provide all offenders with a state-issued identicard upon release from incarceration.

Each offender is eligible for an original, renewal, or replacement DOL identicard provided he or she:

- has been sentenced to the DOC for an incarceration period exceeding one year;
- is incarcerated within a DOC facility and has 60 days remaining of confinement time; and
- has not waived his or her right for an identicard and does not have a current, valid, state-issued ID card.

An offender's ID card issued by the DOC may serve as proof of identity and residency to obtain an identicard.

Each identicard issued to an offender will expire one year from the first anniversary of the offender's birth date after the identicard is issued.

An offender receiving a state-issued identicard must pay a fee to the DOC to offset the cost of obtaining the identicard. The fee must be an amount appropriate to cover the cost of production of the issued identicard. The fee for the identicard may be paid or deducted from the offender's gross wages, gratuities, or the offender's personal inmate savings account provided it does not reduce the offender's account below the indigency level. If an offender's inmate account is below the indigency level, or would become below the indigency level as a result of paying such fee, the DOC may pay or subsidize the cost associated with issuing the identicard to the offender. The DOL may also charge the DOC a fee of the amount appropriate to cover the cost of production of an issued identicard.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect on July 1, 2015, except for section 4 relating to allowing a person to indicate his or her status as a veteran of the U.S. military on his or her driver's license or identicard, which takes effect on August 30, 2017.

Staff Summary of Public Testimony (Public Safety):

(In support) This is a bill that was introduced last year and although it did not pass, the DOC and the DOL figured out a way to implement the program as a pilot program. Although the pilot program is only operated out of the MCC, this bill will expand it statewide so that all prisoners are able to walk out of prison with a state-issued ID card.

Approximately 8,000 offenders are released annually. Most of them will face challenges and live in limbo as they try to reintegrate back into the community. One such challenge is being able to present proper identification when needed for housing, employment, or even to cash a simple check.

Over 200 offenders have received a state-issued ID under the pilot program. This program is an excellent step for reintegrating offenders back into society after they have paid their dues. This bill will enhance public safety and will help with re-entry issues that offenders often face.

(Opposed) None.

(Information only) The DOL has worked with the DOC to work out the challenges to bring the pilot program online and now they are ready to expand the program statewide. The current program is working well.

Staff Summary of Public Testimony (General Government & Information Technology):

(In support) More than 8,000 inmates are released annually, and they all face challenges upon release. One of these challenges is not having easy access to official identification. This results in difficulty with finding housing, getting jobs, and even cashing checks. This is a public safety problem also because it means in many cases law enforcement lacks an updated photograph. This bill would expand an existing pilot program at the Monroe Correctional Complex. During this collaboration, 83 percent of eligible offenders received an ID prior to their release. The process works well, statewide implantation is the next step. The \$54 fee normally associated with an identicard is only \$9 in this case because it is good for only one year, whereas typical identicards are good for six years. This is a humanitarian issue and is good for both public safety and for offenders.

(Opposed) None

Persons Testifying (Public Safety): (In support) Representative Goodman, prime sponsor; Dan Pachokle, Department of Corrections; and James Laukkonen, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

(Information only) Brady Horenstein, Department of Licensing.

Persons Testifying (General Government & Information Technology): Representative Goodman, prime sponsor; and Dan Pacholke, Department of Corrections.

Persons Signed In To Testify But Not Testifying (Public Safety): None.

Persons Signed In To Testify But Not Testifying (General Government & Information Technology): None.