S-1883.1

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**THIRD SUBSTITUTE SENATE BILL 5558**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Darneille, O'Ban, and Angel; by request of Department of Corrections)

AN ACT Relating to issuing a two-year identicard for offenders released from prison facilities; amending RCW 46.20.117 and 46.20.117; adding a new section to chapter 72.09 RCW; creating new sections; providing an effective date; and providing an expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature intends to create an identicard program to assist incarcerated offenders to obtain a state-issued identicard to aid and prepare offenders for release from prison and reentry into the community. The legislature finds that each step that assists individuals being released from prisons helps incarcerated offenders avoid predictable conditions that lead to future recidivism. In accordance with executive order 16-05 building safe and strong communities through successful reentry, this act intends to ensure that offenders released from state prisons have adequate identification in order to increase public safety and reduce recidivism.

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the department, working in conjunction with the department of licensing, shall create and implement an identicard program to provide offenders released within Washington state a state-issued identicard pursuant to RCW 46.20.117.

(2) An offender is eligible for an original, renewal, or replacement identicard pursuant to this section, provided he or she:

(a) Meets the department of licensing criteria under RCW 46.20.117;

(b) Is sentenced to the custody of the department, and is incarcerated within a correctional facility with an earned release date that is more than one year from his or her admission date;

(c) Has not been found to be subject to an immigration detainer or removal order and does not become subject to a removal order during the period of incarceration. The department must inquire as to a person's immigration status prior to issuance of an identicard in a manner consistent with RCW 10.70.140;

(d) Is expected to be released to a location within Washington state; and

(e) Pays a fee of eighteen dollars for the cost of the identicard.

(3) A state law enforcement agency, court, or the department may not be prohibited from investigating the legal presence of a person or identifying a defendant's legal presence on a judgment and sentence form or any other investigatory or arrest materials provided to the department after conviction for the purposes of this act.

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

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

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

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

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

(b) Is eligible for issuance of an identicard under section 2 of this act.

(i) A valid identification card issued by the department of corrections may serve as sufficient proof of identity and residency for an applicant under this subsection (1)(b);

(ii) An identicard issued under this subsection (1)(b) must expire two years from the first anniversary of the offender's birthdate after issuance; and

(iii) The department shall charge a fee of eighteen dollars for an identicard issued under this subsection (1)(b).

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

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

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

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

(a) Personal appearance before the department; or

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

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

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

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

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

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

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

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

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

(b) Is eligible for issuance of an identicard under section 2 of this act.

(i) A valid identification card issued by the department of corrections may serve as sufficient proof of identity and residency for an applicant under this subsection (1)(b);

(ii) An identicard issued under this subsection (1)(b) must expire two years from the first anniversary of the offender's birthdate after issuance; and

(iii) The department shall charge a fee of eighteen dollars for an identicard issued under this subsection (1)(b).

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

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

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

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

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

(a) Personal appearance before the department; or

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

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

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

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

NEW SECTION. **Sec.**  The department of corrections and the department of licensing may enter into a memorandum of understanding to meet the requirements of this act, and have discretion to implement this act over a period of time not to exceed twelve months from the effective date of this section.

NEW SECTION. **Sec.**  Section 4 of this act takes effect August 30, 2017.

NEW SECTION. **Sec.**  Section 3 of this act expires August 30, 2017.

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