

# HOUSE BILL REPORT

## 3SSB 5558

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### As Reported by House Committee On:

Public Safety  
Appropriations

**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:

Public Safety: 3/21/17, 3/27/17 [DP];

Appropriations: 4/1/17, 4/4/17 [DP].

#### 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 from confinement.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** Do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**Staff:** Kelly Leonard (786-7147).

### 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. The DOL must issue an identicard to any applicant who:

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- does not hold a valid Washington driver's license;
- proves his or her 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.

The 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, the DOC provides the DOL with the offender's identifying information. Once released, an offender may present his or her 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 the 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 the 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 in the custody of the DOC;
- had been sentenced to a period of incarceration exceeding one year and one day; and
- were within two months of release from the MCC.

#### Immigration Status of Incarcerated Persons.

Under state law, the state and counties are required to inquire as to the nationality of persons committed to any state correctional facility, county jail, or any other state or county institution receiving public funds. If it appears that a person is an alien, then the institution must immediately notify immigration authorities of the date of and the reasons for the person's commitment, the length of his or her commitment, his or her country of citizenship, and his or her date and port of entry into the United States.

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#### **Summary of Bill:**

Subject to a specific appropriation, the DOC must work in conjunction with the DOL to create and implement a program to provide a state-issued identicard to certain offenders released from confinement. The DOC and the 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 he or she:

- is sentenced to DOC custody and is incarcerated within a correctional facility with an earned release date that is more than one year from his or her admission date;
- 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;
- is expected to be released to a location within Washington; and
- pays a fee of \$18 for the cost of the identicard.

The DOC must inquire as to a person's immigration status prior to issuance of an identicard in a manner consistent with current law. A state law enforcement agency, court, or the DOC 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 DOC for the purposes of the identicard program.

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.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 4, which, because of a prior delayed effective date, takes effect August 30, 2017.

**Staff Summary of Public Testimony:**

(In support) The identicard program is a good policy for reducing barriers to reentry, which will in turn reduce recidivism and promote public safety. The bill is not a pilot program. Instead, it is an ongoing program to help released offenders meet their immediate needs for housing and employment, both of which require valid identification (ID). Something as simple as not having a valid ID puts offenders at a higher risk for homelessness and even incentivizes criminal behavior. This identicard program is rooted in a methodology that works.

The Senate bill has some components that are different than the companion bill. There is a mandatory \$18 fee, but it does allow other persons to pay the fee on behalf of the offender. The amount of the fee is comparable to the standard fee for an identicard, but it is prorated for two years. Two years is sufficient time for the offender to obtain a new identicard or driver's license. The other difference relates to the immigration status inquiry. The bill requires the DOC to inquire as to an offender's immigration status prior to issuing an identicard. This is an acceptable change, as the DOC currently conducts this inquiry under state law.

(Opposed) None.

**Persons Testifying:** Senator Darneille, prime sponsor; and Devon Schrum and Alex MacBain, Department of Corrections.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 31 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Cody, Condotta, Fitzgibbon, Haler, Hansen, Harris, Jinkins, Kagi, Lytton, Manweller, Nealey, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

**Minority Report:** Do not pass. Signed by 1 member: Representative Hudgins.

**Staff:** Rachelle Harris (786-7137).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety:**

No new changes were recommended.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 4, which, because of a prior delayed effective date, takes effect August 30, 2017.

### **Staff Summary of Public Testimony:**

(In support) It will be very helpful to provide offenders with identicards in terms of improving public safety and reducing recidivism. It is crucial for offenders to have identification to be able to access employment, housing, and treatment options. The \$18 fee would be voluntary for offenders.

(Opposed) None.

(Other) The immigration provisions in this bill are a problem. They are redundant with current law and are possibly outside the scope of the bill. In addition, local police departments have actively expressed that they would rather not inquire about immigration status as a matter of good policing.

**Persons Testifying:** (In support) Devon Schrum, Department of Corrections.

(Other) Bob Cooper, Washington Defender Association and Washington Association of Criminal Defense Lawyers.

**Persons Signed In To Testify But Not Testifying:** None.