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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)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to issuing a two-year identicard for offenders  
2 released from prison facilities; amending RCW 46.20.117 and  
3 46.20.117; adding a new section to chapter 72.09 RCW; creating new  
4 sections; providing an effective date; and providing an expiration  
5 date.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to create an  
8 identicard program to assist incarcerated offenders to obtain a  
9 state-issued identicard to aid and prepare offenders for release from  
10 prison and reentry into the community. The legislature finds that  
11 each step that assists individuals being released from prisons helps  
12 incarcerated offenders avoid predictable conditions that lead to  
13 future recidivism. In accordance with executive order 16-05 building  
14 safe and strong communities through successful reentry, this act  
15 intends to ensure that offenders released from state prisons have  
16 adequate identification in order to increase public safety and reduce  
17 recidivism.

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

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

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

8 (a) Meets the department of licensing criteria under RCW  
9 46.20.117;

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

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

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

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

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

27 **Sec. 3.** RCW 46.20.117 and 2012 c 80 s 6 are each amended to read  
28 as follows:

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

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

32 (~~((b))~~) (ii) Proves his or her identity as required by RCW  
33 46.20.035; and

34 (~~((c))~~) (iii) Pays the required fee. Except as provided in (b) of  
35 this subsection or subsection (5) of this section, the fee is  
36 (~~((forty five dollars from October 1, 2012, to June 30, 2013, and))~~)  
37 fifty-four dollars (~~((after June 30, 2013))~~), unless an applicant is a  
38 recipient of continuing public assistance grants under Title 74 RCW,  
39 who is referred in writing by the secretary of social and health

1 services. For those persons the fee must be the actual cost of  
2 production of the identicard; or

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

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

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

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

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

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

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

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

21 (a) Personal appearance before the department; or

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

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

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

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

1 extended. The department may adopt any rules as are necessary to  
2 carry out this subsection.

3 **Sec. 4.** RCW 46.20.117 and 2014 c 185 s 2 are each amended to  
4 read as follows:

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

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

8 ~~((b))~~ (ii) Proves his or her identity as required by RCW  
9 46.20.035; and

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

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

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

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

26 (iii) The department shall charge a fee of eighteen dollars for  
27 an 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. 5.** The department of corrections and the  
23 department of licensing may enter into a memorandum of understanding  
24 to meet the requirements of this act, and have discretion to  
25 implement this act over a period of time not to exceed twelve months  
26 from the effective date of this section.

27 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect August  
28 30, 2017.

29 NEW SECTION. **Sec. 7.** Section 3 of this act expires August 30,  
30 2017.

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