H-3085.2

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**SECOND SUBSTITUTE HOUSE BILL 2099**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Farivar, Cortes, Pollet, Reed, Simmons, Ormsby, Ramel, Gregerson, Goodman, Caldier, Stonier, Paul, Jacobsen, Nance, Wylie, Street, Reeves, Macri, Davis, and Ryu)

AN ACT Relating to state identification cards for persons in state custody or care; amending RCW 72.09.270, 46.20.035, 46.20.117, and 46.20.286; adding a new section to chapter 72.09 RCW; adding a new section to chapter 70.48 RCW; adding a new section to chapter 72.23 RCW; creating a new section; and providing an effective date.

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

**Sec.**  RCW 72.09.270 and 2021 c 200 s 3 are each amended to read as follows:

(1) The department of corrections shall develop an individual reentry plan as defined in RCW 72.09.015 for every incarcerated individual who is committed to the jurisdiction of the department except:

(a) Incarcerated individuals who are sentenced to life without the possibility of release or sentenced to death under chapter 10.95 RCW; and

(b) Incarcerated individuals who are subject to the provisions of 8 U.S.C. Sec. 1227.

(2) The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements of this section.

(3) In developing individual reentry plans, the department shall assess all incarcerated individuals using standardized and comprehensive tools to identify the criminogenic risks, programmatic needs, and educational and vocational skill levels for each incarcerated individual. The assessment tool should take into account demographic biases, such as culture, age, and gender, as well as the needs of the incarcerated individual, including any learning disabilities, substance abuse or mental health issues, and social or behavior challenges.

(4)(a) The initial assessment shall be conducted as early as sentencing, but, whenever possible, no later than forty‑five days of being sentenced to the jurisdiction of the department of corrections.

(b) The incarcerated individual's individual reentry plan shall be developed as soon as possible after the initial assessment is conducted, but, whenever possible, no later than sixty days after completion of the assessment, and shall be periodically reviewed and updated as appropriate.

(5) The individual reentry plan shall, at a minimum, include:

(a) A plan to maintain contact with the incarcerated individual's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate to facilitate successful reunification with the incarcerated individual's children and family;

(b) An individualized portfolio for each incarcerated individual that includes the incarcerated individual's education achievements, certifications, employment, work experience, skills, and any training received prior to and during incarceration; and

(c) A plan for the incarcerated individual during the period of incarceration through reentry into the community that addresses the needs of the incarcerated individual including education, employment, substance abuse treatment, mental health treatment, family reunification, and other areas which are needed to facilitate a successful reintegration into the community.

(6)(a) Prior to discharge of any incarcerated individual, the department shall:

(i) Evaluate the incarcerated individual's needs and, to the extent possible, connect the incarcerated individual with existing services and resources that meet those needs; ((~~and~~))

(ii) Connect the incarcerated individual with a community justice center and/or community transition coordination network in the area in which the incarcerated individual will be residing once released from the correctional system if one exists; and

(iii) Ensure that every consenting incarcerated individual possesses a valid identicard or driver's license, issued by the department of licensing under chapter 46.20 RCW, prior to the individual's release from total confinement in a correctional facility. Issuance of the identicard or driver's license must not cause a delay in the release of an incarcerated individual. The department must:

(A) Pay any application fee required for obtaining the identicard;

(B) Provide a photo of the incarcerated individual for use on the identicard under RCW 46.20.035(1), which upon request of the individual must be a different photo than the individual's mug shot and not indicate that the individual was incarcerated at the time of the photo; and

(C) Obtain a signature from the individual that is acceptable to the department of licensing to use for an identicard or driver's license.

(b) If the department recommends partial confinement in an incarcerated individual's individual reentry plan, the department shall maximize the period of partial confinement for the incarcerated individual as allowed pursuant to RCW 9.94A.728 to facilitate the incarcerated individual's transition to the community.

(7) The department shall establish mechanisms for sharing information from individual reentry plans to those persons involved with the incarcerated individual's treatment, programming, and reentry, when deemed appropriate. When feasible, this information shall be shared electronically.

(8)(a) In determining the county of discharge for an incarcerated individual released to community custody, the department may approve a residence location that is not in the incarcerated individual's county of origin if the department determines that the residence location would be appropriate based on any court-ordered condition of the incarcerated individual's sentence, victim safety concerns, and factors that increase opportunities for successful reentry and long-term support including, but not limited to, location of family or other sponsoring persons or organizations that will support the incarcerated individual, ability to complete an educational program that the incarcerated individual is enrolled in, availability of appropriate programming or treatment, and access to housing, employment, and prosocial influences on the person in the community.

(b) In implementing the provisions of this subsection, the department shall approve residence locations in a manner that will not cause any one county to be disproportionately impacted.

(c) If the incarcerated individual is not returned to his or her county of origin, the department shall provide the law and justice council of the county in which the incarcerated individual is placed with a written explanation.

(d)(i) For purposes of this section, except as provided in (d)(ii) of this subsection, the incarcerated individual's county of origin means the county of the incarcerated individual's residence at the time of the incarcerated individual's first felony conviction in Washington state.

(ii) If the incarcerated individual is a homeless person as defined in RCW 43.185C.010, or the incarcerated individual's residence is unknown, then the incarcerated individual's county of origin means the county of the incarcerated individual's first felony conviction in Washington state.

(9) Nothing in this section creates a vested right in programming, education, or other services.

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

(1) The department must issue a department of corrections identification card to an incarcerated person in a correctional facility for identification and use while in that facility.

(2) The department must also issue a department of corrections identification card under this section to any individual in community custody upon the individual's request and may require the individual to report to the closest correctional facility to facilitate completion of the request.

**Sec.**  RCW 46.20.035 and 2008 c 267 s 8 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; ((~~or~~))

(f) ((~~An immigration and naturalization~~)) A citizenship and immigration services service form;

(g) An identification card issued by the department of corrections under section 2 of this act; or

(h) A patient identification verification document issued by a facility under section 7 of this act.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.

(4) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

(5) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

(6) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

**Sec.**  RCW 46.20.117 and 2021 c 158 s 5 are each amended to read as follows:

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

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

(b) Proves the applicant's identity as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (7) of this section, the fee is seventy-two dollars, unless an applicant is:

(i) A recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services or by the secretary of children, youth, and families;

(ii) Under the age of twenty-five and does not have a permanent residence address as determined by the department by rule; or

(iii) An individual who is scheduled to be released from an institution as defined in RCW 13.40.020, a community facility as defined in RCW 72.05.020, a correctional facility as defined in RCW 72.09.015, or other juvenile rehabilitation facility operated by the department of social and health services or the department of children, youth, and families; or an individual who has been released from such an institution or facility within thirty calendar days before the date of the application.

For those persons under (c)(i) through (iii) of this subsection, the fee must be the actual cost of production of the identicard.

(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 (7) of this section, expire on the eighth 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(4).

(c) If applicable, the identicard may include a medical alert
designation as provided in subsection (5) of this section.

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

(a) Personal appearance before the department;

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

(c) From January 1, 2022, to June 30, 2024, electronic commerce, if permitted by rule of the department.

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) Any person may apply to the department to obtain a medical alert designation, a developmental disability designation, or a deafness designation on an identicard issued under this chapter by providing:

(a) Self-attestation that the individual:

(i) Has a medical condition that could affect communication or account for a health emergency;

(ii) Is deaf or hard of hearing; or

(iii) Has a developmental disability as defined in RCW 71A.10.020;

(b) A statement from the person that they have voluntarily provided the self-attestation and other information verifying the condition; and

(c) For persons under eighteen years of age or who have a developmental disability, the signature of a parent or legal guardian.

(6) A self-attestation or data contained in a self-attestation provided under this section:

(a) Shall not be disclosed; and

(b) Is for the confidential use of the director, the chief of the Washington state patrol, and law enforcement and emergency medical service providers as designated by law.

(7) **Alternative issuance/renewal/extension**. The department may issue or renew an identicard for a period other than eight years, or may extend by mail or electronic commerce an identicard that has already been issued. The fee for an identicard issued or renewed for a period other than eight years, 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 must offer the option to issue or renew an identicard for six years in addition to the eight year issuance. The department may adopt any rules as are necessary to carry out this subsection.

(8) Identicard photos must be updated in the same manner as driver's license photos under RCW 46.20.120(5).

**Sec.**  RCW 46.20.286 and 2005 c 282 s 47 are each amended to read as follows:

(1) The department of licensing shall adopt procedures in cooperation with the administrative office of the courts and the department of corrections to implement RCW 46.20.285.

(2) The department of licensing shall ensure that the department of corrections has direct access to appropriate department of licensing systems in order that the department of corrections may assist incarcerated individuals with obtaining a driver's license under this chapter, prior to an individual's release from confinement.

NEW SECTION. **Sec.**  A new section is added to chapter 70.48 RCW to read as follows:

(1) Using previous experience working with Washington prisons and jails, the department of licensing, in consultation with the Washington association of sheriffs and police chiefs, shall develop a model policy, process, and appropriate forms and informational materials for the department of licensing and governing units responsible for a city, county, or multijurisdictional jail to assist individuals in custody of the jail with obtaining a state-issued identicard pursuant to RCW 46.20.117. The process must include facilitating communication between an individual in custody and the department of licensing.

(2) Nothing in this section limits or prohibits a city, county, or multijurisdictional jail from assisting an individual in custody with obtaining an original, renewal, or replacement identicard.

NEW SECTION. **Sec.**  A new section is added to chapter 72.23 RCW to read as follows:

(1) The following entities must each ensure that every consenting patient possesses a valid identicard, issued by the department of licensing under chapter 46.20 RCW, prior to the individual's release from care in the applicable facility:

(a) State hospitals licensed under chapter 72.23 RCW;

(b) The special commitment center and secure community transition facilities licensed under RCW 71.09.250 and 71.09.290; or

(c) Residential treatment facilities that provide mental health services operated by the department of social and health services.

(2) The facilities listed in subsection (1) of this section must:

(a) Pay any applicable application fee required for obtaining the identicard;

(b) Provide a photo of the patient for use on the identicard under RCW 46.20.035(1); and

(c) Obtain a signature or mark from the patient that is acceptable to the department of licensing to use for an identicard.

(3) Issuance of an identicard under this section must not cause a delay in the release of an individual.

(4) The facilities in subsection (1) of this section must each provide a patient identification verification document for any patient in the custody of the facility, which must include the individual's legal first and last name, facility medical identification number, photo, patient or authorized representative signature or mark, and signature of social work supervisor or manager.

NEW SECTION. **Sec.**  This act takes effect January 1, 2025.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2024, in the omnibus appropriations act, this act is null and void.

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