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By Representatives Farivar, Cortes, Pollet, Reed, Simmons, Ormsby, Ramel, Gregerson, Goodman, Caldier, Stonier, Paul, Jacobsen, Nance, Wylie, Street, Reeves, Macri, Davis, and Ryu

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1 AN ACT Relating to state identification cards for persons in
2 state custody or care; amending RCW 72.09.270, 46.20.035, 46.20.117,
3 and 46.20.286; adding a new section to chapter 72.09 RCW; adding a
4 new section to chapter 70.48 RCW; adding a new section to chapter
5 72.23 RCW; and providing an effective date.

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

7 **Sec. 1.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to
8 read as follows:

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

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

16 (b) Incarcerated individuals who are subject to the provisions of
17 8 U.S.C. Sec. 1227.

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

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

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

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

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

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

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

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

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

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

39 (ii) Connect the incarcerated individual with a community justice
40 center and/or community transition coordination network in the area

1 in which the incarcerated individual will be residing once released
2 from the correctional system if one exists; and

3 (iii) Ensure that every consenting incarcerated individual
4 possesses a valid identicard or driver's license, issued by the
5 department of licensing under chapter 46.20 RCW, prior to the
6 individual's release from total confinement in a correctional
7 facility. The department must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 **Sec. 3.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to
31 read as follows:

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

36 (1) A driver's license or identicard applicant must provide the
37 department with at least one of the following pieces of valid

1 identifying documentation that contains the signature and a
2 photograph of the applicant:

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

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

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

11 (d) A military identification card;

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

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

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

17 (h) A patient identification verification document issued by
18 eastern state hospital or western state hospital under section 7 of
19 this act.

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

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

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

27 (3) A person unable to provide identifying documentation as
28 specified in subsection (1) or (2) of this section may request that
29 the department review other available documentation in order to
30 ascertain identity. The department may waive the requirement if it
31 finds that other documentation clearly establishes the identity of
32 the applicant. Notwithstanding the requirements in subsection (2) of
33 this section, the department shall issue an identicard to an
34 applicant for whom it receives documentation pursuant to RCW
35 74.13.283.

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

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

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

7 **Sec. 4.** RCW 46.20.117 and 2021 c 158 s 5 are each amended to
8 read as follows:

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

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

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

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

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

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

23 (iii) An individual who is scheduled to be released from an
24 institution as defined in RCW 13.40.020, a community facility as
25 defined in RCW 72.05.020, a correctional facility as defined in RCW
26 72.09.015, or other juvenile rehabilitation facility operated by the
27 department of social and health services or the department of
28 children, youth, and families; or an individual who has been released
29 from such an institution or facility within thirty calendar days
30 before the date of the application.

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

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

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

36 (ii) Except as provided in subsection (7) of this section, expire
37 on the eighth anniversary of the applicant's birthdate after
38 issuance.

1 (b) The identicard may include the person's status as a veteran,
2 consistent with RCW 46.20.161(4).

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

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

7 (a) Personal appearance before the department;

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

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

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

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

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

23 (a) Self-attestation that the individual:

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

26 (ii) Is deaf or hard of hearing; or

27 (iii) Has a developmental disability as defined in RCW
28 71A.10.020;

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

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

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

37 (a) Shall not be disclosed; and

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

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

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

13 **Sec. 5.** RCW 46.20.286 and 2005 c 282 s 47 are each amended to
14 read as follows:

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

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

24 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.48
25 RCW to read as follows:

26 (1) By July 1, 2025, each governing unit responsible for a county
27 or multijurisdictional jail shall establish and implement a process
28 by which the governing unit will provide support to individuals in
29 the custody of the jail with obtaining a state-issued identicard
30 pursuant to RCW 46.20.117. The provision of support under this
31 section must include facilitating communication between an individual
32 in custody and the department of licensing.

33 (2) An individual in custody as described in subsection (1) of
34 this section is eligible for assistance with obtaining an original,
35 renewal, or replacement identicard under this section if the
36 individual:

37 (a) Meets department of licensing criteria under RCW
38 46.20.117(1)(b);

- 1 (b) Is currently incarcerated in a jail;
- 2 (c) Has been sentenced to an incarceration period of no less than
- 3 30 days;
- 4 (d) Has not waived their right for an identicard; and
- 5 (e) Does not have a current, valid state-issued identification
- 6 card or driver's license.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.23
8 RCW to read as follows:

9 (1) Eastern state hospital and western state hospital must each
10 ensure that every consenting patient possesses a valid identicard,
11 issued by the department of licensing under chapter 46.20 RCW, prior
12 to the individual's release from care in the applicable state
13 hospital. Eastern state hospital and western state hospital must:

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

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

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

20 (2) Eastern state hospital and western state hospital must each
21 provide a patient identification verification document for any
22 patient in the custody of the state hospital, which must include the
23 individual's legal first and last name, hospital medical
24 identification number, photo, patient or authorized representative
25 signature or mark, and signature of social work supervisor or
26 manager.

27 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2025.

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