

Legislative Analysis



EASE ABILITY OF EX-PRISONERS TO OBTAIN STATE ID CARD OR DRIVER'S LICENSE

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House Bill 4525

Sponsor: Rep. Paul Condino

House Bill 4527

Sponsor: Rep. Jacob Hoogendyk

House Bill 4528

Sponsor: Rep. Robert Jones

Committee: Judiciary

Complete to 3-27-07

A SUMMARY OF HOUSE BILLS 4525, 4527, AND 4528 AS INTRODUCED 3-22-07

House Bills 4525 and 4528 would allow a person to use a prison identification card as one of the required documents needed to obtain a state ID card or driver's license. House Bill 4527 would require certain kinds of assistance by the Department of Corrections to prisoners in obtaining the identification documents necessary to obtain a state ID or driver's license and would prescribe the information to be contained on a prisoner's ID card. The bills are tie-barred to each other, meaning that none of the bills could take effect unless all were enacted. A more detailed description of each bill follows.

House Bills 4525 and 4528

The bills would amend two different acts to require the Secretary of State to accept as one of the required identification documents needed to apply for a state personal ID card or driver's license an identification card issued by the Department of Corrections (DOC) to prisoners who are placed on parole or who have been released from a correctional facility. The prisoner ID card would have to contain the prisoner's name, photograph, and other information identifying the prisoner as required under a provision proposed by House Bill 4527. Further, electronic access to prisoner biography information maintained by the DOC would have to be provided to the Secretary of State for the purpose of verifying the identity of a prisoner applying for an operator's or chauffeur's license under the Michigan Vehicle Code or for an official state identification card under the state ID act. House Bill 4525 would amend the state ID act, Public Act 222 of 1972 (MCL 28.291). House Bill 4528 would amend the Michigan Vehicle Code (MCL 257.307).

House Bill 4527

The bill would amend the Corrections Code (MCL 791.235 et al.). It would require the Department of Corrections (DOC), either by contract or otherwise, alone or in

conjunction with the efforts of other entities, to operate a Michigan prisoner reentry program and an intensive reentry parole unit program. The programs would have to include, at a minimum, that the DOC assist prisoners in obtaining the identification documents described in the bill and that the DOC make every effort to allow prisoners to obtain the identification documents before being released on parole or, if not, as soon as possible after being released on parole.

Identification documents. Every prisoner would have to be given the opportunity to make all reasonable efforts, while incarcerated, to obtain a social security card and any two of the identification documents that, in combination with the prisoner identification card issued under the bill, would satisfy the application requirements for obtaining a driver's license or state personal identification card as established by the Secretary of State under Section 307 of the Michigan Vehicle Code or Section 1 of Public Act 222 of 1972, the state personal identification card act. (Documents required to verify a person's identity for a driver's license or state ID card include a certified birth certificate, marriage license or divorce decree, a photo U.S. military identification card, and school records.)

The director of the DOC could waive the above requirements for any prisoner who, for any reason that was not the fault of the prisoner, was unable to comply. (Note: The bill places responsibility in the above provision on the DOC to assist the prisoner in his or her efforts to obtain identifying documents, but does not actually require a prisoner to do so. It is also unclear what "comply" would mean – a prisoner's inability to obtain the identifying documents or an inability to make a reasonable effort to obtain the documents.)

A prisoner could expend money from his or her institutional account to defray any expenses incurred in obtaining the documents listed above.

The DOC would have to allow the Secretary of State to have electronic access to prisoner biography information for the purpose of verifying the identity of prisoners who applied for driver licenses or state personal identification cards.

DOC Forms. The DOC would also be required to provide two forms to each prisoner. One would have to list the personal identification documents needed to obtain a state driver's license or personal ID card and include a statement that the DOC would assist the prisoner in obtaining the required documents. The form would also have to include any other information the department determined was necessary. The form would be given to a prisoner as follows:

- Within 10 days of arriving at a reception center for any prisoner who begins to serve a sentence under the DOC's jurisdiction after the bill's effective date.
- By October 1, 2007 for any prisoners currently serving a sentence on the bill's effective date.

In addition, a prisoner would be required to execute a written identification statement, on a separate form provided by the DOC, that included the prisoner's name given at birth; current legal name, if different from the birth name; and place and date of birth.

The above statement would have to be signed by the prisoner under penalty of perjury.

Parole eligibility report. As part of the determination to parole a prisoner, the parole board reviews information pertinent to the prisoner contained in a parole eligibility report. In general, the report is prepared by appropriate institutional staff at least 90 days before the expiration of the prisoner's minimum sentence and prior to a prisoner's interview with a parole board member. The bill would require two things in relation to the parole eligibility report:

- Include, as a required item in the eligibility report, whether the prisoner complied with the requirements of the bill in obtaining identification documents. (Note: The bill doesn't specify that a prisoner is required to obtain these documents, just that they must be given the opportunity to do so by the DOC.)
- A prisoner's cooperation in obtaining identification documents necessary to obtain a state driver's license or personal ID card would have to be a factor required to be considered as part of the prisoner's parole eligibility report. (Again, the bill in its present form does not specifically require a prisoner to cooperate in efforts to obtain identification documents.) This provision would apply to any prisoner who began to serve a sentence after the bill's effective date. Beginning January 1, 2008, it would also apply to any prisoner who was serving a sentence of imprisonment on the bill's effective date.

Prisoner identification card. As part of its Michigan prisoner reentry program and intensive reentry parole unit program, the DOC would have to provide a prisoner identification card to each prisoner. (*The bill refers to this as a "state" identification card in one provision but a "prisoner" identification card in another*). The prisoner ID card would have to be given to a prisoner when he or she is released on parole or released upon completion of his or her maximum sentence. The prisoner ID card would have to include the following:

- The prisoner's photograph, taken not earlier than six months before the prisoner's date of release.
- The prisoner's name as identified on his or her birth certificate.
- The prisoner's place and date of birth.
- The date on which he or she began his or her term of incarceration at a state correctional facility.
- A statement as to whether the prisoner had been placed on parole.
- A list of the prisoner's known aliases and former legal names, if any.

The Reentry Success Fund. The Reentry Success Fund would be created within the state treasury. The state treasurer could receive money or other assets from any source for

deposit into the fund and would direct the fund's investments and credit to the fund interest and earnings from those investments. Money in the fund at the close of a fiscal year would remain in the fund and not lapse to the general fund. The DOC could expend money from the fund, upon appropriation, only for the expense of obtaining the documents needed to obtain a state driver's license or personal ID card for prisoners who are indigent.

FISCAL IMPACT:

A fiscal analysis is in process.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.