

SENATE BILL REPORT

SB 6364

AS REPORTED BY COMMITTEE ON WAYS & MEANS, FEBRUARY 10, 1992

Brief Description: Enacting provisions to curtail the use of fraudulent documents.

SPONSORS: Senators Hayner, Owen, McDonald, Rasmussen, West, Vognild, Newhouse, Nelson, Bailey, McMullen, Saling, Metcalf, Thorsness, Cantu, Amondson, L. Smith, Craswell, Patterson, Oke, Erwin, McCaslin and Sellar

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: That Substitute Senate Bill No. 6364 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 5, 1992

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6364 be substituted therefor, and the second substitute bill do pass.

Signed by Senators McDonald, Chairman; Craswell, Vice Chairman; Amondson, Bailey, Bluechel, Cantu, Metcalf, Newhouse, Owen, Saling, L. Smith, and West.

Minority Report: Do not pass.

Signed by Senators Bauer, Gaspard, M. Kreidler, Murray, Niemi, Rinehart, Talmadge, Williams, and Wojahn.

Staff: Martin Chaw (786-7715)

Hearing Dates: February 6, 1992; February 10, 1992

BACKGROUND:

In order to screen out fraudulent applications by persons registering to vote or applying for a driver's license or "identocard," sworn statements and supporting documentation are required.

When registering to vote, a citizen is required to sign under oath that the facts stated on their registration form are true. There is no requirement, however, that a registrant be cautioned that giving false information when registering is a felony, or that any voter card issued by a county auditor to

a registered voter contain any statement limiting its use for identification purposes.

When obtaining a driver's license or identicard, regulations of the Department of Licensing require that the applicant produce certain documentary evidence of their identity. There is no mandate that suspected fraudulent documents or applications be forwarded to law enforcement agencies. There is also no requirement that applicants for driver's licenses and identicards provide a finger or thumbprint.

SUMMARY:

When registering a voter, the registrar must state to the applicant that to submit any false information or fraudulently produced documents may subject the applicant to a felony prosecution. The registrant's oath must include statements that the documents submitted are true and have not been fraudulently produced and that he or she understands that to give false information or produce fraudulent documentation is a class C felony. Any voter card issued to a registrant must include the words, "not valid for identification purposes."

The regulations of the Department of Licensing specifying the types of documents acceptable to prove the identity of an applicant are incorporated in statute. On applications for an original, renewed, or duplicate driver's license or identicard, a thumbprint or fingerprint of the applicant must be included. Thumbprints and fingerprints will be maintained along with the existing photographic negative file of the Department of Licensing.

The Department of Licensing, the Washington State Association of County Auditors and the Department of Social and Health Services shall develop procedures to inform screening personnel in the identification of fraudulent documents. Such personnel shall not be liable for actions taken pursuant to this act. The Department of Licensing shall forward the name and address of any person suspected of submitting fraudulent documentation, originals or copies of any confiscated documents and the reasons why documentation was suspected to be fraudulent to the appropriate law enforcement agency.

EFFECT OF PROPOSED SUBSTITUTE:

Technical corrections are made. The requirement is deleted that applications of aliens not supported by a U.S. Immigration and Naturalization Service identification card be made available to the U.S. Immigration and Naturalization Service. The requirement for a thumb or fingerprint when renewing a driver's license is deleted.

EFFECT OF PROPOSED SECOND SUBSTITUTE:

The bill is made contingent on funding being provided in the transportation budget.

Appropriation: none

Revenue: none

Fiscal Note: requested January 29, 1992

TESTIMONY FOR (Governmental Operations):

Need to halt the proliferation of fake identification and its use in criminal activity, illegal entry and secreting the identity of outlaws.

TESTIMONY AGAINST (Governmental Operations):

Could strip innocent persons of any evidence of identity and chill interest in registering to vote.

TESTIFIED (Governmental Operations): Senator Jeannette Hayner, prime sponsor; Gordon Jacobson; Rick Jensen, Washington State Patrol; Jerry Martinez, Commission on Hispanic Affairs; Loren Sperry, Spokane Sheriff's Office; Jennifer Boharski, Spokane Prosecutor's Office; Kent Lundgren, U.S. Immigration and Naturalization Service; Kevin Kreowski, U.S. Border Patrol

TESTIMONY FOR (Ways & Means):

Cost of program may be much less than estimated by the Department of Licensing.

TESTIMONY AGAINST (Ways & Means):

Language may engender fear in those with limited English skills. Additional identification requirements may imply a police state society.

TESTIFIED (Ways & Means): Senator Jeannette Hayner, prime sponsor; Rick Jensen, Washington State Patrol; Jerry Martinez, Commission on Hispanic Affairs; Jerry Sheehan, ACLU