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**SENATE BILL 5173**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Habib, Fain, Darneille, and Mullet; by request of Department of Corrections

AN ACT Relating to creating an identicard program for certain incarcerated offenders; amending RCW 46.20.117 and 46.20.117; adding a new section to chapter 72.09 RCW; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature intends to create an identicard program to provide incarcerated offenders with a state-issued identicard to assist and prepare each offender for release from prison and reentry into the community. The legislature finds that each step that assists individuals being released from prison helps incarcerated offenders avoid predictable conditions that lead to future recidivism and that a reduction in recidivism makes the community safer, transforms formerly incarcerated offenders into productive citizens, and strengthens the family structure that surrounds each offender. The goal of the identicard program is to provide proper state identification to offenders upon release to the community, which is critical for accessing services, employment, housing, and various other opportunities in the community.

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

(1) The department, in conjunction with the department of licensing, must implement an identicard program to provide offenders with a state-issued identicard pursuant to RCW 46.20.117 at no cost to the offender.

(2) An offender is eligible for an original, renewal, or replacement identicard under this section if he or she:

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

(b) Is under the custody of the department of corrections;

(c) Has been sentenced to an incarceration period exceeding one year and one day;

(d) Is incarcerated within a department correctional facility and is at least two months or more from his or her release date as of the effective date of this section;

(e) Has not waived his or her right for an identicard; and

(f) Does not have a current, valid state-issued identification card.

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

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

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

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

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

(b) Qualifies for an identicard under section 2 of this act.

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

(ii) An identicard issued under this subsection (1)(b) expires one year from the first anniversary of the offender's birth date after issuance.

(iii) The department may charge the department of corrections a fee of nine dollars for an identicard issued under this subsection (1)(b).

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

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

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

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

(a) Personal appearance before the department; or

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

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) **Alternative issuance/renewal/extension**. The department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, 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 may adopt any rules as are necessary to carry out this subsection.

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

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

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

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

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

(b) Qualifies for an identicard under section 2 of this act.

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

(ii) An identicard issued under this subsection (1)(b) expires one year from the first anniversary of the offender's birth date after issuance.

(iii) The department may charge the department of corrections a fee of nine dollars for an identicard issued under this subsection (1)(b).

(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 (1)(b) or (5) of this section, expire on the sixth 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(2).

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

(a) Personal appearance before the department; or

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

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) **Alternative issuance/renewal/extension**. The department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, 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 may adopt any rules as are necessary to carry out this subsection.

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

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

NEW SECTION. **Sec.**  Except for section 4 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015.

**--- END ---**