

# SENATE BILL REPORT

## E2SHB 1320

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As Reported by Senate Committee On:  
Law & Justice, March 31, 2015

**Title:** An act relating to creating an identicard program for certain incarcerated offenders.

**Brief Description:** Creating an identicard program for certain incarcerated offenders.

**Sponsors:** House Committee on General Government & Information Technology (originally sponsored by Representatives Goodman and Moscoso; by request of Department of Corrections).

**Brief History:** Passed House: 3/10/15, 97-0.

**Committee Activity:** Law & Justice: 3/30/15, 3/31/15 [DPA-WM].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

**Staff:** Lindsay Erickson (786-7465)

**Background:** The Washington State Department of Licensing (DOL) issues driver's licenses, endorsements, and identicards that are valid for up to six years. An identicard is a Washington identification card (ID) issued by DOL.

DOL must issue an identicard, containing a picture, to any applicant provided that the applicant: (1) does not hold a valid Washington driver's license; (2) proves the applicant's identity; and (3) pays the required statutory \$54 fee, unless the applicant receives public assistance, in which case the cost is equal to the actual cost to produce the identicard.

Identicards are distinctly designed so that they are not confused with an official driver's license and expire on the sixth anniversary of the applicant's birth date after issuance. An applicant may renew an identicard by means of personal appearance at a DOL office, by mail, or electronic commerce.

Issuance of Identicards to Released Offenders. DOL and the Department of Corrections (DOC) have an interagency agreement relating to issuing ID cards to offenders released from

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correctional facilities. The two agencies work jointly together to help provide offenders with an ID in one of two ways: (1) via a DOC-DOL Memorandum of Understanding (MOU); or (2) via a pilot program at the Monroe Correctional Complex (MCC).

*DOC and DOL MOU.* Under the MOU agreement, before an offender is released, DOC electronically notifies DOL with the offender's identifying information including the offender's name, photo, date of birth, Social Security number, and any known aliases. Once the offender is released to the community, the offender must take the DOC-issued ID card to a DOL office.

A DOL employee compares the information previously received from DOC to the DOC ID card, verifies the applicant's Social Security number via the Social Security Administration database, has the person sign an application, takes a photo, and collects the applicable \$54 fee as set in statute. DOL runs facial recognition on all applicants to prevent identity theft and then the applicant receives a temporary identicard card. The permanent identicard, which is valid for six years, is mailed to the person's address by DOL's central issuance vendor.

*Monroe Pilot Program.* In 2014 DOL began working in conjunction with DOC to create a pilot Identicard Program (program) within the MCC. The goal was to create a program to provide offenders with a state-issued identicard directly upon release from incarceration.

Each offender is eligible for an original, renewal, or replacement identicard provided the offender:

- meets DOL's criteria of being able to prove the offender's identity; a DOC ID is sufficient proof of identity;
- is under the custody of DOC;
- had been sentenced to an incarceration period exceeding one year and one day; and
- is incarcerated within the MCC and is within two months or less of release from the correctional institution.

DOL works with DOC to obtain the offender's photo and uses a facial recognition program to place the person's photo on the ID card. The ID cards are mailed directly to DOC before the person is released and leaves the facility. DOL may not charge an offender any fee for an identicard issued under the pilot program.

**Summary of Bill (Recommended Amendments):** DOL must work in conjunction with DOC to create a program to provide all offenders with a state-issued identicard upon release from incarceration.

Each offender is eligible for an original, renewal, or replacement DOL identicard provided the offender:

- has been sentenced to DOC for an incarceration period totaling more than one year;
- is incarcerated within a DOC facility and has at least 60 days remaining of confinement time;
- has not waived the offender's right to an identicard;
- does not have a current and valid state-issued ID card; and
- is a United States citizen or is lawfully present within the United States.

An offender's ID card issued by DOC may serve as proof of identity and residency to obtain an identicard.

Each identicard issued to an offender will expire one year from the first anniversary of the offender's birth date after the identicard is issued.

An offender receiving a state-issued identicard must pay a fee to DOC to offset the cost of obtaining the identicard. The fee for the identicard may be paid or deducted from the offender's gross wages, gratuities, or the offender's personal inmate savings account provided it does not reduce the offender's account below the indigency level. If an offender's inmate account is below the indigency level, or would become below the indigency level as a result of paying such fee, DOC may pay or subsidize the cost associated with issuing the identicard to the offender. DOL may also charge DOC a fee of the amount appropriate to cover the cost of production of an issued identicard.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Amendments):** Removes intent section. Adds the requirement of United States citizenship or lawful presence in order to obtain an identicard.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2015, except for section 4 relating to allowing a person to indicate status as a veteran of the U.S. military on the person's driver's license or identicard, which takes effect on August 30, 2017.

**Staff Summary of Public Testimony on Engrossed Second Substitute House Bill:** PRO: This small effort makes a big difference for offenders upon release. This bill would make the current Monroe pilot program a statewide program. Upon release, individuals would be able to prove who they are without the stigma of an ID card from the Department of Corrections. One major issue upon release for offenders is lack of identification, and this bill would lessen those barriers. This will also help law enforcement to have updated information on these released offenders as they are integrated back into the community. The one-year expiration was intended to allow these released persons the ability to access necessary documents, find a permanent residence, and generally get back on their feet. After one year, they can obtain their own state ID card. Approximately 8000 people are released annually in Washington, and this would promote public safety by providing these offenders with state-issued ID cards. Under the pilot program, 83 percent of those eligible for the ID cards obtained them.

**OTHER:** For those who are here illegally, they should not receive these identicards.

**Persons Testifying:** PRO: Representative Goodman, prime sponsor; Senator Habib, prime sponsor of companion bill; Dan Satterburg, King Co. Prosecuting Attorney; Dan Pacholke, DOC; Brian Zimmer, Keep Identities Safe.

OTHER: Craig Keller, Respect WA.

**Persons Signed in to Testify But Not Testifying:** No one.