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SECOND SUBSTITUTE HOUSE BILL 1320

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State of Washington

64th Legislature

2015 Regular Session

**By** House General Government & Information Technology (originally sponsored by Representatives Goodman and Moscoso; by request of Department of Corrections)

READ FIRST TIME 02/18/15.

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

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

7 NEW SECTION. **Sec. 1.** The legislature intends to create an  
8 identicard program to provide incarcerated offenders with a state-  
9 issued identicard to assist and prepare each offender for release  
10 from prison and reentry into the community. The legislature finds  
11 that each step that assists individuals being released from prison  
12 helps incarcerated offenders avoid predictable conditions that lead  
13 to future recidivism and that a reduction in recidivism makes the  
14 community safer, transforms formerly incarcerated offenders into  
15 productive citizens, and strengthens the family structure that  
16 surrounds each offender. The goal of the identicard program is to  
17 provide proper state identification to offenders upon release to the  
18 community, which is critical for accessing services, employment,  
19 housing, and various other opportunities in the community.

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

3        (1)    The department, in conjunction with the department of  
4    licensing, must provide offenders with a state-issued identicard  
5    pursuant to RCW 46.20.117.

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

8        (a)    Has been sentenced to a term of confinement totaling more  
9    than one year and committed to department custody;

10       (b)    Is confined within a state correctional facility and has at  
11    least sixty days remaining on his or her confinement term as of the  
12    effective date of this section;

13       (c)    Has not waived his or her right under this section to an  
14    identicard; and

15       (d)    Does not have a current and valid state-issued identification  
16    card.

17       (3)    An offender's valid identification card issued by the  
18    department may serve as sufficient proof of identity and residency  
19    under RCW 46.20.035 to obtain a state-issued identicard pursuant to  
20    RCW 46.20.117.

21       (4)    An offender receiving a state-issued identicard pursuant to  
22    this section must pay a fee of nine dollars to the department to  
23    offset the cost of obtaining the identicard. Provided such action  
24    does not reduce an offender's account below the indigency level, such  
25    costs may be paid or deducted from the offender's gross wages,  
26    gratuities, or the offender's personal inmate savings account. If an  
27    offender's inmate account is below the indigency level, or would  
28    become below the indigency level as a result of paying such fine, the  
29    department may pay or subsidize the cost associated with issuing the  
30    identicard to the offender.

31       **Sec. 3.**    RCW 46.20.117 and 2012 c 80 s 6 are each amended to read  
32    as follows:

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

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

36       ~~((b))~~ (ii) Proves his or her identity as required by RCW  
37    46.20.035; and

38       ~~((c))~~ (iii) Pays the required fee. Except as provided in (b) of  
39    this subsection and subsection (5) of this section, the fee is forty-

1 five dollars from October 1, 2012, to June 30, 2013, and fifty-four  
2 dollars after June 30, 2013, unless an applicant is a recipient of  
3 continuing public assistance grants under Title 74 RCW, who is  
4 referred in writing by the secretary of social and health services.  
5 For those persons the fee must be the actual cost of production of  
6 the identicard; or

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

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

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

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

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

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

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

22 (a) Personal appearance before the department; or

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

26 An identicard may not be renewed by mail or by electronic  
27 commerce unless the renewal issued by the department includes a  
28 photograph of the identicard holder.

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

32 (5) **Alternative issuance/renewal/extension.** The department may  
33 issue or renew an identicard for a period other than five years from  
34 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,  
35 or may extend by mail or electronic commerce an identicard that has  
36 already been issued, in order to evenly distribute, as nearly as  
37 possible, the yearly renewal rate of identicard holders. The fee for  
38 an identicard issued or renewed for a period other than five years  
39 from October 1, 2012, to June 30, 2013, or six years after June 30,  
40 2013, or that has been extended by mail or electronic commerce, is

1 nine dollars for each year that the identicard is issued, renewed, or  
2 extended. The department may adopt any rules as are necessary to  
3 carry out this subsection.

4 **Sec. 4.** RCW 46.20.117 and 2014 c 185 s 2 are each amended to  
5 read as follows:

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

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

9 ((~~b~~)) (ii) Proves his or her identity as required by RCW  
10 46.20.035; and

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

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

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

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

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

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

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

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

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

36 (a) Personal appearance before the department; or

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

1 An identicard may not be renewed by mail or by electronic  
2 commerce unless the renewal issued by the department includes a  
3 photograph of the identicard holder.

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

7 (5) **Alternative issuance/renewal/extension.** The department may  
8 issue or renew an identicard for a period other than five years from  
9 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,  
10 or may extend by mail or electronic commerce an identicard that has  
11 already been issued, in order to evenly distribute, as nearly as  
12 possible, the yearly renewal rate of identicard holders. The fee for  
13 an identicard issued or renewed for a period other than five years  
14 from October 1, 2012, to June 30, 2013, or six years after June 30,  
15 2013, or that has been extended by mail or electronic commerce, is  
16 nine dollars for each year that the identicard is issued, renewed, or  
17 extended. The department may adopt any rules as are necessary to  
18 carry out this subsection.

19 NEW SECTION. **Sec. 5.** Section 3 of this act expires August 30,  
20 2017.

21 NEW SECTION. **Sec. 6.** Section 4 of this act takes effect August  
22 30, 2017.

23 NEW SECTION. **Sec. 7.** Except for section 4 of this act, this act  
24 is necessary for the immediate preservation of the public peace,  
25 health, or safety, or support of the state government and its  
26 existing public institutions, and takes effect July 1, 2015.

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