
Public Safety Committee

3SSB 5558

Brief Description: Issuing a two-year identicard for offenders released from prison facilities.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Darneille, O'Ban and Angel; by request of Department of Corrections).

Brief Summary of Third Substitute Bill

- Requires the Department of Corrections, working in conjunction with the Department of Licensing, to create and implement a program to provide a state-issued identicard to certain offenders released from confinement.

Hearing Date: 3/21/17

Staff: Kelly Leonard (786-7147).

Background:

Identicards. The Department of Licensing (DOL) issues identification cards known as identicards. Identicards expire on the sixth anniversary of the applicant's birthdate after issuance, at which time they may be renewed. The DOL must issue an identicard to any applicant who:

- does not hold a valid Washington driver's license;
- proves his or her identity; and
- pays a \$54 fee, which may be reduced to the cost of identicard production if the applicant receives public assistance grants.

Issuance of Identicards to Released Offenders. The DOL and the Department of Corrections (DOC) have a memorandum of understanding to issue identicards to offenders released from correctional facilities. Before an offender is released, the DOC provides the DOL with the offender's identifying information. Once released, an offender may present his or her DOC-issued identification card at a DOL office, where a DOL employee verifies the offender's identity and collects the applicable \$54 fee before issuing an identicard.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In 2016 the Governor issued Executive Order 16-05 "Building Safe and Strong Communities Through Successful Reentry" requiring the DOL to identify a mechanism to ensure that all offenders leaving a state correctional facility have an identification card.

Monroe Correctional Complex Pilot Program. The DOL and the DOC previously administered a pilot identicard program within the Monroe Correctional Complex (MCC). The program provided offenders with a state-issued identicard, which expired on the first anniversary of the offender's birthdate after issuance. Expenditures for the pilot program were funded out of the 2014 Supplemental Operating Budget, and the DOL was not permitted to charge any fee to an offender. Offenders were eligible for an identicard provided they:

- proved their identity, which could be done using a DOC-issued identification card;
- were in the custody of the DOC;
- had been sentenced to a period of incarceration exceeding one year and one day; and
- were within two months of release from the MCC.

Immigration Status of Incarcerated Persons. Under state law, the state and counties are required to inquire as to the nationality of persons committed to any state correctional facility, county jail, or any other state or county institution receiving public funds. If it appears that a person is an alien, then the institution must immediately notify immigration authorities of the date of and the reasons for the person's commitment, the length of his or her commitment, his or her country of citizenship, and his or her date and port of entry into the United States.

Summary of Bill:

Subject to a specific appropriation, the DOC must work in conjunction with the DOL to create and implement a program to provide a state-issued identicard to certain offenders released from confinement. The DOC and the DOL may implement the program over a period of time not to exceed 12 months and may enter into a memorandum of understanding to do so.

An offender is eligible for an identicard provided he or she:

- is sentenced to DOC custody and is incarcerated within a correctional facility with an earned release date that is more than one year from his or her admission date;
- has not been found to be subject to an immigration detainer or removal order and does not become subject to a removal order during the period of incarceration;
- is expected to be released to a location within Washington; and
- pays a fee of \$18 for the cost of the identicard.

The DOC must inquire as to a person's immigration status prior to issuance of an identicard in a manner consistent with current law. A state law enforcement agency, court, or the DOC may not be prohibited from investigating the legal presence of a person or identifying a defendant's legal presence on a judgment and sentence form or any other investigatory or arrest materials provided to the DOC for the purposes of the identicard program.

A DOC-issued identification card may serve as proof of identity and residency in obtaining an identicard. An identicard issued under this program expires two years from the first anniversary of the offender's birthdate after issuance.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 4, which, because of a prior delayed effective date, takes effect August 30, 2017.