

HOUSE BILL REPORT

HB 2099

As Reported by House Committee On:
State Government & Tribal Relations
Appropriations

Title: An act relating to state identification cards for persons in state custody or care.

Brief Description: Concerning state identification cards for persons in state custody or care.

Sponsors: Representatives Farivar, Cortes, Pollet, Reed, Simmons, Ormsby, Ramel, Gregerson, Goodman, Caldier, Stonier, Paul, Jacobsen, Nance, Wylie, Street, Reeves, Macri, Davis and Ryu.

Brief History:

Committee Activity:

State Government & Tribal Relations: 1/16/24, 1/19/24 [DPS];
Appropriations: 1/31/24, 2/2/24 [DP2S(w/o sub SGOV)].

Brief Summary of Second Substitute Bill

- Requires all state hospitals, the Special Commitment Center, secure community transition facilities, residential treatment facilities, and the Department of Corrections to ensure that persons in the custody or care of those agencies possess valid state identification issued by the Department of Licensing prior to release or discharge.
- Directs all state hospitals, the Special Commitment Center, secure community transition facilities, residential treatment facilities, and the Department of Corrections to issue identification documents for use of individuals while in custody or care.
- Requires the Department of Licensing to develop a model policy for the Department of Licensing and the governing units of city, county, and multijurisdictional jails to assist individuals in custody with obtaining a state identification.

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

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Ramos, Chair; Stearns, Vice Chair; Cheney, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson, Low and Mena.

Staff: Connor Schiff (786-7093).

Background:

The Department of Licensing (DOL) issues driver's licenses and identicards to applicants who pay a fee and provide proof of their identity.

An applicant for a driver's license or identicard must provide the DOL with at least one of the following identifying documents that contains the signature and photograph of the applicant:

- a valid or recently expired driver's license or instruction permit;
- a Washington identicard or an identification card (ID) issued by another state;
- an ID issued by the United States, or an agency of the United States;
- a military ID;
- a United States passport; or
- an immigration and naturalization service form.

The Department of Corrections is required to provide incarcerated individuals certain services prior to their discharge, including identifying the individual's needs and connecting the individual with community resources.

Summary of Substitute Bill:

Prior to the discharge of an incarcerated individual, the Department of Corrections (DOC) must ensure that every consenting incarcerated individual has a valid identicard or driver's license issued by the Department of Licensing (DOL). The DOC is required to pay the application fee, provide a photo for use on the card, and obtain an acceptable signature from the individual. An individual may request that the photo used is not the individual's mug shot and does not indicate that the individual was incarcerated at the time the photo was taken. The DOL is required to ensure that the DOC has access to the appropriate DOL system to assist incarcerated individuals with obtaining a driver's license.

Eastern State Hospital and Western State Hospital must ensure that every consenting patient possesses a valid identicard prior to the individual's release from care. The hospital must also pay any application fee, provide a photo of the patient, and obtain a signature or mark

from the patient to use for an identicard.

The DOC is required to issue a department identification card to individuals in a correctional facility for use while in the facility. The DOC is also required to issue a department identification card to individuals in community custody upon request of the individual. Eastern State Hospital and Western State Hospital must issue an identification document to individuals for use while in the hospitals.

The DOL must, in consultation with the Washington Association of Sheriffs and Police Chiefs, develop a model policy, process, and informational materials for the DOL and governing units of city, county, and multijurisdictional jails to assist individuals in custody of a jail within obtaining an identicard.

In addition to the existing identifying documents that an applicant may use to apply for a driver's license or identicard, an applicant may also use an identification card issued by the DOC or a patient identification verification document issued by Eastern State Hospital or Western State Hospital.

A reference to "immigration and naturalization service form" is changed to "a citizenship and immigration services service form" for the purposes of identifying documents.

Substitute Bill Compared to Original Bill:

The substitute bill requires that issuance of a driver's license or identicard does not delay release of an individual from care or custody. The governing unit responsible for a county or multijurisdictional jail is no longer required to establish and implement a process to support individuals in custody with obtaining a state-issued identicard. The Department of Licensing (DOL) is required to, in consultation with the Washington Association of Sheriffs and Police Chiefs, develop a model policy, process, and materials for the DOL and governing units of city, county, and multijurisdictional jails to assist individuals in custody of a jail with obtaining an identicard. Governing units of jails are not prohibited from assisting individuals in custody with obtaining state-issued identicards.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on January 19, 2024.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2025.

Staff Summary of Public Testimony:

(In support) The Department of Corrections (DOC), Department of Licensing (DOL), and Department of Social and Health Services (DSHS) currently have processes for obtaining

identification documents for individuals released from care and custody and this would streamline those processes. An effort has been made to get individuals IDs, but can there has not been consistency in obtaining IDs. People need IDs for long term stability and to access housing, bank accounts, social services, and government benefits. Successful reentry reduces recidivism. The cost of getting someone an ID outweighs the costs of trying to get people into services over and over again. Local corrections officials may not be best suited to help individuals with obtaining IDs and the DOL is better situated to facilitate this process. Local jurisdictions struggle with resources and would need additional funding from the Legislature to assist individuals with obtaining IDs.

(Opposed) None.

(Other) Having identification is critical to success in the first few hours of reentry. The DOC and DOL have been working closely together. The DOC will be working with DOL to allow DOC staff to have direct access to the appropriate portal to assist individuals with obtaining IDs. Additional funding is required.

Persons Testifying: (In support) Representative Darya Farivar, prime sponsor; Kelly Olson, Civil Survival Project; James McMahan, Washington Association of Sheriffs and Police Chiefs; and Christina Mason, Washington Association of Drug Courts.

(Other) Danielle Armbruster, Washington State Department of Corrections.

Persons Signed In To Testify But Not Testifying: Ronni Batchelor.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by 26 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chambers, Assistant Ranking Minority Member; Connors, Assistant Ranking Minority Member; Berg, Callan, Chopp, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Senn, Simmons, Slatter, Springer, Stonier, Tharinger and Wilcox.

Minority Report: Do not pass. Signed by 1 member: Representative Stokesbary.

Minority Report: Without recommendation. Signed by 3 members: Representatives Corry, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Schmick.

Staff: Yvonne Walker (786-7841).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On State Government & Tribal Relations:

The second substitute bill:

- expands the facilities required to ensure that consenting patients possess an identicard prior to release to include all of the state hospitals, the Special Commitment Center, secure community transition facilities, and residential treatment facilities operated by the Department of Social and Health Services (DSHS) that provide mental health services;
- expands the facilities required to provide a patient identification verification document for any patient in the facility's custody to include all of the state hospitals, the Special Commitment Center, secure community transition facilities, and residential treatment facilities operated by the DSHS that provide mental health services;
- includes patient identification verification documents issued by all of the state hospitals, the Special Commitment Center, secure community transition facilities, and residential treatment facilities operated by the DSHS as identifying documents that an individual may use to apply for a driver's license or identicard;
- adds a null and void clause making the bill null and void unless funded in the budget; and
- makes technical changes.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Second Substitute Bill: The bill takes effect on January 1, 2025. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Success in our public safety world means reducing victimizations. Most individuals that are incarcerated in jail or prison will eventually return to the community. The goal is to set these individuals up for success by ensuring that they have proper identification for small things such as being able to obtain prescriptions for treatment. This is an inexpensive way to help save costs in the future.

(Opposed) None.

Persons Testifying: James McMahan, Washington Association of Sheriffs and Police Chiefs.

Persons Signed In To Testify But Not Testifying: None.