

# HOUSE BILL REPORT

## E2SHB 2099

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### As Amended by the Senate

**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:** House Committee on Appropriations (originally sponsored by 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)].

#### Floor Activity:

Passed House: 2/9/24, 62-35.

Senate Amended.

Passed Senate: 3/1/24, 45-3.

### Brief Summary of Engrossed Second Substitute Bill

- Requires all state hospitals, the Special Commitment Center, secure community transition facilities, certain 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, certain residential treatment facilities, and the Department of Corrections to issue facility identification documents for individuals in the custody or care of the facility.
- 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

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*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.*

state identification.

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## 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).

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## 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).

### **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.

The Department of Social and Health Services Facilities.

The Department of Social and Health Services (DSHS) operates three state hospitals for psychiatric treatment: Western State Hospital, the Child Study and Treatment Center, and Eastern State Hospital. The Child Study and Treatment Center treats minors aged 5 to 17 who are committed or referred for up to six months of inpatient treatment through the Children's Long-Term Inpatient Program, by managed care organizations or behavioral health administrative services organizations (BHASOs), or by the courts. Eastern State Hospital and Western State Hospital treat adult involuntary patients who are either civilly committed for treatment through the Involuntary Treatment Act or forensically committed for treatment related to criminal insanity or competency to stand trial through the criminal courts.

If a person is found to be a sexually violent predator (SVP) by a court, then the person is committed to the custody of the DSHS at the Special Commitment Center (SCC) on McNeil Island. The DSHS must enter into a memorandum of understanding with the DOL to allow residents in the SCC to obtain a state identification card through a written identification verification letter completed by the SCC.

If certain conditions are met, courts may grant unconditional or conditional release of an individual found to be an SVP. A conditional release of an SVP may be to a secure community transition facility (SCTF). The DSHS operates a SCTF on McNeil Island. A second SCTF is located in King County.

**Summary of Engrossed Second 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. Issuance of a driver's license or identicard must not cause a delay in the release of an individual from custody.

The DOC is required to issue a department identification card to individuals in a correctional facility for identification and 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.

The state hospitals, the Special Commitment Center (SCC), secure community transition facilities (SCTFs), and residential treatment facilities operated by the Department of Social and Health Services (DSHS) that provide mental health services must ensure that every consenting patient possesses a valid identicard prior to the individual's release from care. These entities 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. Issuance of an identicard must not cause a delay in the release of an individual from care.

The state hospitals, the SCC, SCTFs, and residential treatment facilities operated by the DSHS that provide mental health services must also provide a patient identification verification document to all individuals in the facility's custody. The patient identification verification document must include certain information, including the patient's photo and legal name.

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 a department identification card issued by the DOC or a patient identification verification document issued by a state hospital, the SCC, an SCTF, or a DSHS residential treatment facility.

By July 1, 2025, 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.

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

#### **EFFECT OF SENATE AMENDMENT(S):**

##### The Senate amendment:

- modifies the requirement to ensure every incarcerated individual possesses a valid identicard or driver's license to individuals confined to a Department of Corrections facility for at least 60 days;
- requires that an incarcerated individual possess a valid identicard or driver's license prior to release to the community, rather than release from total confinement; and
- adds partial confinement as a location by which issuance of an identicard or driver's license must not cause a delay in an individual's release to.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** 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 (State Government & Tribal Relations):**

(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.

**Staff Summary of Public Testimony (Appropriations):**

(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 (State Government & Tribal Relations):** (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 Testifying (Appropriations):** James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying (State Government & Tribal Relations):** Ronni Batchelor.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.