

# SENATE BILL REPORT

## E2SHB 2099

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As of February 23, 2024

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

**Committee Activity:** State Government & Elections: 2/15/24 [w/oRec-TRAN].

Transportation: 2/20/24, 2/22/24 [DPA-WM].

Ways & Means: 2/24/24.

### Brief Summary of Amended 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 state identification.

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### SENATE COMMITTEE ON TRANSPORTATION

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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.*

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

Signed by Senators Lias, Chair; Lovick, Vice Chair; Shewmake, Vice Chair; King, Ranking Member; Holy, Assistant Ranking Member; Cleveland, Fortunato, Hansen, Hawkins, Kauffman, Lovelett, MacEwen, Nobles, Padden, Valdez, Wilson, C. and Wilson, J..

**Staff:** Bryon Moore (786-7726)

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## SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Sarian Scott (786-7729)

**Background:** Department of Licensing Responsibilities. 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 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.

Department of Corrections Facilities. The Department of Corrections (DOC) 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.

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, 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 DSHS at the Special Commitment Center (SCC) on McNeil Island. DSHS must enter into a memorandum of understanding with 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). DSHS operates a SCTF on McNeil Island. A second SCTF is located in King County.

**Summary of Amended Bill:** Prior to the discharge of an incarcerated individual confined longer than 60 day, DOC must ensure that every consenting incarcerated individual has a valid identicard or driver's license issued by DOL. 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. DOL is required to ensure that 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 to the community or from being transferred to partial confinement.

DOC is required to issue a department ID to individuals in a correctional facility for identification and use while in the facility. DOC is also required to issue a department ID to individuals in community custody upon request of the individual.

The state hospitals, the SCC, SCTFs, and residential treatment facilities operated by 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 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 ID issued by 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, DOL must, in consultation with the Washington Association of Sheriffs and Police Chiefs, develop a model policy, process, and informational materials for 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 TRANSPORTATION COMMITTEE AMENDMENT(S):**

- Modifies the requirement to ensure incarcerated individual's possess a valid identicard or driver's license to those confined longer than 60 days in a DOC facility.
- Adds partial confinement as location by which the issuance of the identicard or driver's license must not cause a delay in release to.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on February 16, 2024.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill takes effect on January 1, 2025.

**Staff Summary of Public Testimony on Engrossed Second Substitute House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: It is next to impossible to function in society with adequate identification. This is an effort to streamline the existing process and removing barriers. We need to make sure that people have the opportunity that people can get replacement identification. Successful reintegration is at the heart of public safety. Accessing identification is essential for that to occur. The partnering with local jails will allow individuals the ability to start that process. This is a common sense bill that builds off of broader efforts about promoting reintegration. This disrupts the cycle in incarceration and improves racial equity. Lack of identification is a factor that makes someone much more likely to become homeless. This will standardize and streamline the processes already in place.

OTHER: This was not in the Governor's budget, but the policies around promoting successful transition are sound.

**Persons Testifying (Transportation):** PRO: Representative Darya Farivar, Prime Sponsor; Ty Reed, Washington Statewide Reentry Council; James McMahan, WA Assoc Sheriffs & Police Chiefs; Christopher Poulos, Center for Justice and Human Dignity.

OTHER: Sjan Talbot, DSHS Behavioral Health Administration.

**Persons Signed In To Testify But Not Testifying (Transportation):** No one.