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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2099

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State of Washington

68th Legislature

2024 Regular Session

**By** House 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)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to state identification cards for persons in  
2 state custody or care; amending RCW 72.09.270, 46.20.035, 46.20.117,  
3 and 46.20.286; adding a new section to chapter 72.09 RCW; adding a  
4 new section to chapter 70.48 RCW; adding a new section to chapter  
5 72.23 RCW; creating a new section; and providing an effective date.

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

7 **Sec. 1.** RCW 72.09.270 and 2021 c 200 s 3 are each amended to  
8 read as follows:

9 (1) The department of corrections shall develop an individual  
10 reentry plan as defined in RCW 72.09.015 for every incarcerated  
11 individual who is committed to the jurisdiction of the department  
12 except:

13 (a) Incarcerated individuals who are sentenced to life without  
14 the possibility of release or sentenced to death under chapter 10.95  
15 RCW; and

16 (b) Incarcerated individuals who are subject to the provisions of  
17 8 U.S.C. Sec. 1227.

18 (2) The individual reentry plan may be one document, or may be a  
19 series of individual plans that combine to meet the requirements of  
20 this section.

1 (3) In developing individual reentry plans, the department shall  
2 assess all incarcerated individuals using standardized and  
3 comprehensive tools to identify the criminogenic risks, programmatic  
4 needs, and educational and vocational skill levels for each  
5 incarcerated individual. The assessment tool should take into account  
6 demographic biases, such as culture, age, and gender, as well as the  
7 needs of the incarcerated individual, including any learning  
8 disabilities, substance abuse or mental health issues, and social or  
9 behavior challenges.

10 (4)(a) The initial assessment shall be conducted as early as  
11 sentencing, but, whenever possible, no later than forty-five days of  
12 being sentenced to the jurisdiction of the department of corrections.

13 (b) The incarcerated individual's individual reentry plan shall  
14 be developed as soon as possible after the initial assessment is  
15 conducted, but, whenever possible, no later than sixty days after  
16 completion of the assessment, and shall be periodically reviewed and  
17 updated as appropriate.

18 (5) The individual reentry plan shall, at a minimum, include:

19 (a) A plan to maintain contact with the incarcerated individual's  
20 children and family, if appropriate. The plan should determine  
21 whether parenting classes, or other services, are appropriate to  
22 facilitate successful reunification with the incarcerated  
23 individual's children and family;

24 (b) An individualized portfolio for each incarcerated individual  
25 that includes the incarcerated individual's education achievements,  
26 certifications, employment, work experience, skills, and any training  
27 received prior to and during incarceration; and

28 (c) A plan for the incarcerated individual during the period of  
29 incarceration through reentry into the community that addresses the  
30 needs of the incarcerated individual including education, employment,  
31 substance abuse treatment, mental health treatment, family  
32 reunification, and other areas which are needed to facilitate a  
33 successful reintegration into the community.

34 (6)(a) Prior to discharge of any incarcerated individual, the  
35 department shall:

36 (i) Evaluate the incarcerated individual's needs and, to the  
37 extent possible, connect the incarcerated individual with existing  
38 services and resources that meet those needs; (~~and~~)

39 (ii) Connect the incarcerated individual with a community justice  
40 center and/or community transition coordination network in the area

1 in which the incarcerated individual will be residing once released  
2 from the correctional system if one exists; and

3 (iii) Ensure that every consenting incarcerated individual  
4 possesses a valid identicard or driver's license, issued by the  
5 department of licensing under chapter 46.20 RCW, prior to the  
6 individual's release from total confinement in a correctional  
7 facility. Issuance of the identicard or driver's license must not  
8 cause a delay in the release of an incarcerated individual. The  
9 department must:

10 (A) Pay any application fee required for obtaining the  
11 identicard;

12 (B) Provide a photo of the incarcerated individual for use on the  
13 identicard under RCW 46.20.035(1), which upon request of the  
14 individual must be a different photo than the individual's mug shot  
15 and not indicate that the individual was incarcerated at the time of  
16 the photo; and

17 (C) Obtain a signature from the individual that is acceptable to  
18 the department of licensing to use for an identicard or driver's  
19 license.

20 (b) If the department recommends partial confinement in an  
21 incarcerated individual's individual reentry plan, the department  
22 shall maximize the period of partial confinement for the incarcerated  
23 individual as allowed pursuant to RCW 9.94A.728 to facilitate the  
24 incarcerated individual's transition to the community.

25 (7) The department shall establish mechanisms for sharing  
26 information from individual reentry plans to those persons involved  
27 with the incarcerated individual's treatment, programming, and  
28 reentry, when deemed appropriate. When feasible, this information  
29 shall be shared electronically.

30 (8) (a) In determining the county of discharge for an incarcerated  
31 individual released to community custody, the department may approve  
32 a residence location that is not in the incarcerated individual's  
33 county of origin if the department determines that the residence  
34 location would be appropriate based on any court-ordered condition of  
35 the incarcerated individual's sentence, victim safety concerns, and  
36 factors that increase opportunities for successful reentry and long-  
37 term support including, but not limited to, location of family or  
38 other sponsoring persons or organizations that will support the  
39 incarcerated individual, ability to complete an educational program  
40 that the incarcerated individual is enrolled in, availability of

1 appropriate programming or treatment, and access to housing,  
2 employment, and prosocial influences on the person in the community.

3 (b) In implementing the provisions of this subsection, the  
4 department shall approve residence locations in a manner that will  
5 not cause any one county to be disproportionately impacted.

6 (c) If the incarcerated individual is not returned to his or her  
7 county of origin, the department shall provide the law and justice  
8 council of the county in which the incarcerated individual is placed  
9 with a written explanation.

10 (d)(i) For purposes of this section, except as provided in  
11 (d)(ii) of this subsection, the incarcerated individual's county of  
12 origin means the county of the incarcerated individual's residence at  
13 the time of the incarcerated individual's first felony conviction in  
14 Washington state.

15 (ii) If the incarcerated individual is a homeless person as  
16 defined in RCW 43.185C.010, or the incarcerated individual's  
17 residence is unknown, then the incarcerated individual's county of  
18 origin means the county of the incarcerated individual's first felony  
19 conviction in Washington state.

20 (9) Nothing in this section creates a vested right in  
21 programming, education, or other services.

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

24 (1) The department must issue a department of corrections  
25 identification card to an incarcerated person in a correctional  
26 facility for identification and use while in that facility.

27 (2) The department must also issue a department of corrections  
28 identification card under this section to any individual in community  
29 custody upon the individual's request and may require the individual  
30 to report to the closest correctional facility to facilitate  
31 completion of the request.

32 **Sec. 3.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to  
33 read as follows:

34 The department may not issue an identicard or a Washington state  
35 driver's license that is valid for identification purposes unless the  
36 applicant meets the identification requirements of subsection (1),  
37 (2), or (3) of this section.

1 (1) A driver's license or identicard applicant must provide the  
2 department with at least one of the following pieces of valid  
3 identifying documentation that contains the signature and a  
4 photograph of the applicant:

5 (a) A valid or recently expired driver's license or instruction  
6 permit that includes the date of birth of the applicant;

7 (b) A Washington state identicard or an identification card  
8 issued by another state;

9 (c) An identification card issued by the United States, a state,  
10 or an agency of either the United States or a state, of a kind  
11 commonly used to identify the members or employees of the government  
12 agency;

13 (d) A military identification card;

14 (e) A United States passport; ((~~or~~))

15 (f) ((~~An immigration and naturalization~~)) A citizenship and  
16 immigration services service form;

17 (g) An identification card issued by the department of  
18 corrections under section 2 of this act; or

19 (h) A patient identification verification document issued by a  
20 facility under section 7 of this act.

21 (2) An applicant who is a minor may establish identity by  
22 providing an affidavit of the applicant's parent or guardian. The  
23 parent or guardian must accompany the minor and display or provide:

24 (a) At least one piece of documentation in subsection (1) of this  
25 section establishing the identity of the parent or guardian; and

26 (b) Additional documentation establishing the relationship  
27 between the parent or guardian and the applicant.

28 (3) A person unable to provide identifying documentation as  
29 specified in subsection (1) or (2) of this section may request that  
30 the department review other available documentation in order to  
31 ascertain identity. The department may waive the requirement if it  
32 finds that other documentation clearly establishes the identity of  
33 the applicant. Notwithstanding the requirements in subsection (2) of  
34 this section, the department shall issue an identicard to an  
35 applicant for whom it receives documentation pursuant to RCW  
36 74.13.283.

37 (4) An identicard or a driver's license that includes a  
38 photograph that has been renewed by mail or by electronic commerce is  
39 valid for identification purposes if the applicant met the

1 identification requirements of subsection (1), (2), or (3) of this  
2 section at the time of previous issuance.

3 (5) The form of an applicant's name, as established under this  
4 section, is the person's name of record for the purposes of this  
5 chapter.

6 (6) If the applicant is unable to prove his or her identity under  
7 this section, the department shall plainly label the license "not  
8 valid for identification purposes."

9 **Sec. 4.** RCW 46.20.117 and 2021 c 158 s 5 are each amended to  
10 read as follows:

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

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

14 (b) Proves the applicant's identity as required by RCW 46.20.035;  
15 and

16 (c) Pays the required fee. Except as provided in subsection (7)  
17 of this section, the fee is seventy-two dollars, unless an applicant  
18 is:

19 (i) A recipient of continuing public assistance grants under  
20 Title 74 RCW, who is referred in writing by the secretary of social  
21 and health services or by the secretary of children, youth, and  
22 families;

23 (ii) Under the age of twenty-five and does not have a permanent  
24 residence address as determined by the department by rule; or

25 (iii) An individual who is scheduled to be released from an  
26 institution as defined in RCW 13.40.020, a community facility as  
27 defined in RCW 72.05.020, a correctional facility as defined in RCW  
28 72.09.015, or other juvenile rehabilitation facility operated by the  
29 department of social and health services or the department of  
30 children, youth, and families; or an individual who has been released  
31 from such an institution or facility within thirty calendar days  
32 before the date of the application.

33 For those persons under (c)(i) through (iii) of this subsection,  
34 the fee must be the actual cost of production of the identicard.

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

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

1 (ii) Except as provided in subsection (7) of this section, expire  
2 on the eighth anniversary of the applicant's birthdate after  
3 issuance.

4 (b) The identicard may include the person's status as a veteran,  
5 consistent with RCW 46.20.161(4).

6 (c) If applicable, the identicard may include a medical alert  
7 designation as provided in subsection (5) of this section.

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

10 (a) Personal appearance before the department;

11 (b) Mail or electronic commerce, if permitted by rule of the  
12 department and if the applicant did not renew the identicard by mail  
13 or by electronic commerce when it last expired; or

14 (c) From January 1, 2022, to June 30, 2024, electronic commerce,  
15 if permitted by rule of the department.

16 An identicard may not be renewed by mail or by electronic  
17 commerce unless the renewal issued by the department includes a  
18 photograph of the identicard holder.

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

22 (5) Any person may apply to the department to obtain a medical  
23 alert designation, a developmental disability designation, or a  
24 deafness designation on an identicard issued under this chapter by  
25 providing:

26 (a) Self-attestation that the individual:

27 (i) Has a medical condition that could affect communication or  
28 account for a health emergency;

29 (ii) Is deaf or hard of hearing; or

30 (iii) Has a developmental disability as defined in RCW  
31 71A.10.020;

32 (b) A statement from the person that they have voluntarily  
33 provided the self-attestation and other information verifying the  
34 condition; and

35 (c) For persons under eighteen years of age or who have a  
36 developmental disability, the signature of a parent or legal  
37 guardian.

38 (6) A self-attestation or data contained in a self-attestation  
39 provided under this section:

40 (a) Shall not be disclosed; and

1 (b) Is for the confidential use of the director, the chief of the  
2 Washington state patrol, and law enforcement and emergency medical  
3 service providers as designated by law.

4 (7) **Alternative issuance/renewal/extension.** The department may  
5 issue or renew an identicard for a period other than eight years, or  
6 may extend by mail or electronic commerce an identicard that has  
7 already been issued. The fee for an identicard issued or renewed for  
8 a period other than eight years, or that has been extended by mail or  
9 electronic commerce, is nine dollars for each year that the  
10 identicard is issued, renewed, or extended. The department must offer  
11 the option to issue or renew an identicard for six years in addition  
12 to the eight year issuance. The department may adopt any rules as are  
13 necessary to carry out this subsection.

14 (8) Identicard photos must be updated in the same manner as  
15 driver's license photos under RCW 46.20.120(5).

16 **Sec. 5.** RCW 46.20.286 and 2005 c 282 s 47 are each amended to  
17 read as follows:

18 (1) The department of licensing shall adopt procedures in  
19 cooperation with the administrative office of the courts and the  
20 department of corrections to implement RCW 46.20.285.

21 (2) The department of licensing shall ensure that the department  
22 of corrections has direct access to appropriate department of  
23 licensing systems in order that the department of corrections may  
24 assist incarcerated individuals with obtaining a driver's license  
25 under this chapter, prior to an individual's release from  
26 confinement.

27 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.48  
28 RCW to read as follows:

29 (1) By July 1, 2025, using previous experience working with  
30 Washington prisons and jails, the department of licensing, in  
31 consultation with the Washington association of sheriffs and police  
32 chiefs, shall develop a model policy, process, and appropriate forms  
33 and informational materials for the department of licensing and  
34 governing units responsible for a city, county, or  
35 multijurisdictional jail to assist individuals in custody of the jail  
36 with obtaining a state-issued identicard pursuant to RCW 46.20.117.  
37 The process must include facilitating communication between an  
38 individual in custody and the department of licensing.



1 (2) Nothing in this section limits or prohibits a city, county,  
2 or multijurisdictional jail from assisting an individual in custody  
3 with obtaining an original, renewal, or replacement identicard.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 72.23  
5 RCW to read as follows:

6 (1) The following entities must each ensure that every consenting  
7 patient possesses a valid identicard, issued by the department of  
8 licensing under chapter 46.20 RCW, prior to the individual's release  
9 from care in the applicable facility:

10 (a) State hospitals licensed under chapter 72.23 RCW;

11 (b) The special commitment center and secure community transition  
12 facilities licensed under RCW 71.09.250 and 71.09.290; or

13 (c) Residential treatment facilities that provide mental health  
14 services operated by the department of social and health services.

15 (2) The facilities listed in subsection (1) of this section must:

16 (a) Pay any applicable application fee required for obtaining the  
17 identicard;

18 (b) Provide a photo of the patient for use on the identicard  
19 under RCW 46.20.035(1); and

20 (c) Obtain a signature or mark from the patient that is  
21 acceptable to the department of licensing to use for an identicard.

22 (3) Issuance of an identicard under this section must not cause a  
23 delay in the release of an individual.

24 (4) The facilities in subsection (1) of this section must each  
25 provide a patient identification verification document for any  
26 patient in the custody of the facility, which must include the  
27 individual's legal first and last name, facility medical  
28 identification number, photo, patient or authorized representative  
29 signature or mark, and signature of social work supervisor or  
30 manager.

31 NEW SECTION. **Sec. 8.** This act takes effect January 1, 2025.

32 NEW SECTION. **Sec. 9.** If specific funding for the purposes of  
33 this act, referencing this act by bill or chapter number, is not  
34 provided by June 30, 2024, in the omnibus appropriations act, this  
35 act is null and void.

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