

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2099

68th Legislature
2024 Regular Session

Passed by the House March 5, 2024
Yeas 70 Nays 26

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2024
Yeas 45 Nays 3

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2099** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2099

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

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 confined in a department of corrections facility for 60 days or
5 longer possesses a valid identicard or driver's license, issued by
6 the department of licensing under chapter 46.20 RCW, prior to the
7 individual's release to the community. Issuance of the identicard or
8 driver's license must not cause a delay in the incarcerated
9 individual's release to the community or transfer to partial
10 confinement. The department must:

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

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

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

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

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

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

1 that the incarcerated individual is enrolled in, availability of
2 appropriate programming or treatment, and access to housing,
3 employment, and prosocial influences on the person in the community.

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

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

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

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

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

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

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

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

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

35 The department may not issue an identicard or a Washington state
36 driver's license that is valid for identification purposes unless the
37 applicant meets the identification requirements of subsection (1),
38 (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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