

HOUSE BILL No. 5176

July 14, 2009, Introduced by Reps. Kandrevas, Robert Jones, Constan, Amash, Haugh, Scripps, Tlaib, Barnett, Meadows, Schuitmaker and Wayne Schmidt and referred to the Committee on Judiciary.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 1 (MCL 28.291), as amended by 2008 PA 31.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. Upon application, the applicant shall supply a
4 photographic identity document, a birth certificate or other
5 nonphotographic identity document, and other sufficient documents
6 as the secretary of state may require to verify the identity and

1 citizenship of the applicant. If an applicant for an official state
2 personal identification card is not a citizen of the United States,
3 the applicant shall supply a photographic identity document and
4 other sufficient documents to verify the identity of the applicant
5 and the applicant's legal presence in the United States under
6 subsection ~~(3)~~—(5). The documents required under this subsection
7 shall include the applicant's full legal name, date of birth, and
8 address and residency and demonstrate that the applicant is a
9 citizen of the United States or is legally present in the United
10 States. If the applicant's full legal name differs from the name of
11 the applicant that appears on a document presented under this
12 subsection, the applicant shall present documents to verify his or
13 her current full legal name. An application for a state personal
14 identification card shall be made in a manner prescribed by the
15 secretary of state and shall contain the applicant's full legal
16 name, date of birth, residence address, height, sex, eye color,
17 signature, intent to be an organ donor, other information required
18 or permitted on the official state personal identification card
19 and, only to the extent to comply with federal law, the applicant's
20 social security number. The applicant may provide a mailing address
21 if the applicant receives mail at an address different from his or
22 her residence address.

23 (2) THE SECRETARY OF STATE SHALL ACCEPT AS 1 OF THE
24 IDENTIFICATION DOCUMENTS REQUIRED UNDER SUBSECTION (1) AN
25 IDENTIFICATION CARD ISSUED BY THE DEPARTMENT OF CORRECTIONS TO
26 PRISONERS WHO ARE PLACED ON PAROLE OR RELEASED FROM A CORRECTIONAL
27 FACILITY, CONTAINING THE PRISONER'S NAME, PHOTOGRAPH, AND OTHER

1 INFORMATION IDENTIFYING THE PRISONER AS PROVIDED IN SECTION 37(4)
2 OF THE CORRECTIONS CODE OF 1953, 1953 PA 232, MCL 791.237.

3 (3) THE SECRETARY OF STATE SHALL HAVE ELECTRONIC ACCESS TO
4 PRISONER BIOGRAPHY INFORMATION MAINTAINED BY THE DEPARTMENT OF
5 CORRECTIONS FOR THE PURPOSE OF VERIFYING THE IDENTITY OF A PRISONER
6 WHO APPLIES FOR AN OFFICIAL STATE IDENTIFICATION CARD UNDER
7 SUBSECTION (1).

8 (4) ~~(2)~~—The secretary of state shall not issue an official
9 state personal identification card to a person who holds an
10 operator's or chauffeur's license issued under the Michigan vehicle
11 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
12 been suspended, revoked, or restricted.

13 (5) ~~(3)~~—If the applicant is not a citizen of the United
14 States, the applicant shall provide documents demonstrating his or
15 her legal presence in the United States. A person legally present
16 in the United States includes, but is not limited to, a person
17 authorized by the United States government for employment in the
18 United States, a person with nonimmigrant status authorized under
19 federal law, and a person who is the beneficiary of an approved
20 immigrant visa petition or an approved labor certification. The
21 secretary of state shall adopt rules under the administrative
22 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
23 necessary for the administration of this subsection. A
24 determination by the secretary of state that an applicant is not
25 legally present in the United States may be appealed under section
26 631 of the revised judicature act of 1961, 1961 PA 236, MCL
27 600.631.

1 (6) ~~(4)~~—The secretary of state shall not disclose a social
2 security number obtained under subsection (1) to another person
3 except for use for 1 or more of the following purposes:

4 (a) Compliance with 49 USC 31301 to 31317 and regulations and
5 rules related to this act.

6 (b) To carry out the purposes of section 466(a) of the social
7 security act, 42 USC 666, in connection with matters relating to
8 paternity, child support, or overdue child support.

9 (c) With the department of community health, for comparison
10 with vital records maintained by the department of community health
11 under part 28 of the public health code, 1978 PA 368, MCL 333.2801
12 to 333.2899.

13 (d) As otherwise required by law.

14 (7) ~~(5)~~—The secretary of state shall not display a person's
15 social security number on the person's official state personal
16 identification card.

17 (8) ~~(6)~~—A requirement under this section to include a social
18 security number on an application does not apply to an applicant
19 who demonstrates he or she is exempt under law from obtaining a
20 social security number.

21 (9) ~~(7)~~—The secretary of state, with the approval of the state
22 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
23 enter into agreements with the United States government to verify
24 whether an applicant for an official state personal identification
25 card under this section who is not a citizen of the United States
26 is authorized under federal law to be present in the United States.

27 (10) ~~(8)~~—The secretary of state shall not issue an official

1 state personal identification card to a person holding an official
2 state personal identification card issued by another state without
3 confirmation that the person is terminating or has terminated the
4 official state personal identification card issued by the other
5 state.

6 (11) ~~(9)~~—The secretary of state shall do all of the following:

7 (a) Ensure the physical security of locations where official
8 state personal identification cards are produced and the security
9 of document materials and papers from which official state personal
10 identification cards are produced.

11 (b) Subject all persons authorized to manufacture or produce
12 official state personal identification cards and all persons who
13 have the ability to affect the identity information that appears on
14 official state personal identification cards to appropriate
15 security clearance requirements. The security requirements of this
16 subdivision and subdivision (a) may require that official state
17 personal identification cards be manufactured or produced in this
18 state.

19 (c) Provide fraudulent document recognition programs to
20 department of state employees engaged in the issuance of official
21 state personal identification cards.

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 95th Legislature are
24 enacted into law:

25 (a) Senate Bill No. ____ or House Bill No. 5177(request no.
26 00579'09).

27 (b) Senate Bill No. ____ or House Bill No. 5178(request no.

1 00579'09 b).

2 (c) Senate Bill No. ____ or House Bill No. ____ (request no.

3 00579'09 c).