

Legislative Analysis



PRISONER ID CARD: USE TO OBTAIN DRIVER LICENSE OR STATE ID CARD UPON RELEASE

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4074
Sponsor: Rep. Margaret O'Brien

House Bill 4076
Sponsor: Rep. Kurt Damrow

House Bill 4075
Sponsor: Rep. Mike Shirkey
Committee: Judiciary

House Bill 4077
Sponsor: Rep. Ben Glardon

Complete to 9-14-11

A SUMMARY OF HOUSE BILLS 4074-4077 AS INTRODUCED 1-13-11

The bills would amend various acts to ease the ability of prisoners, after release upon parole or completion of their sentences, to obtain driver's licenses and state personal identification (ID) cards. Similar legislation was passed by the House in the previous two sessions.

House Bills 4075 and 4076 would allow a person to use a prison identification card as one of the required documents needed to obtain a state ID card or driver's license.

House Bill 4074 would require certain kinds of assistance by the Department of Corrections to prisoners in obtaining the identification documents needed to obtain a state ID or driver's license and would prescribe the information to be contained on a prisoner's ID card.

House Bill 4077 would require additional information to be included in a pre-sentence investigation report and require that certain information relating to the value of obtaining a driver's license and state identification card after release be provided to a person sentenced to prison.

The bills are tie-barred to each other, meaning that no single bill can take effect unless all the bills in the package are enacted. A more detailed description of each bill follows.

House Bills 4075 and 4076: The bills would amend two different acts to require the Secretary of State to accept an identification card issued by the Department of Corrections (DOC) to prisoners placed on parole or released from a correctional facility as one of the required identification documents needed to apply for a state personal ID card or driver's license. The prisoner ID card would have to contain the prisoner's name, photograph, and other information identifying the prisoner as required under a provision proposed by House Bill 4074. Further, electronic access to prisoner biography information maintained by the DOC would have to be provided to the Secretary of State for the purpose of verifying the identity of a prisoner applying for an operator's or

chauffeur's license under the Michigan Vehicle Code or for an official state identification card under the state ID act. House Bill 4075 would amend the state ID act, Public Act 222 of 1972 (MCL 28.291). House Bill 4076 would amend the Michigan Vehicle Code (MCL 257.307).

House Bill 4074: The bill would amend the Corrections Code (MCL 791.235 et al.). It would require the Department of Corrections (DOC), either by contract or otherwise, to assist prisoners in obtaining the identification documents described in the bill and, subject to the DOC's security needs, require that the DOC reasonably allow prisoners to obtain the identification documents before being released on parole or discharged upon completion of their maximum sentence.

Identification documents. The documents a prisoner would be reasonably allowed to obtain during incarceration would include a Social Security card and any two of the identification documents that, in combination with the prisoner identification card issued under the bill, would satisfy the application requirements for obtaining a driver's license or state personal identification card as established by the Secretary of State under Section 307 of the Michigan Vehicle Code or Section 1 of Public Act 222 of 1972, the state personal identification card act. (These documents include a certified birth certificate, marriage license or divorce decree, a photo U.S. military identification card, and school records.)

The DOC would have to allow the Secretary of State to have electronic access to prisoner biography information for the purpose of verifying the identity of prisoners who applied for driver licenses or state personal identification cards.

DOC Form. The DOC would also be required to provide a form to each prisoner, as described in a provision to be added by House Bill 4077. The form would have to list the personal identification documents needed to obtain a state driver's license or personal ID card. The form would be given to a prisoner as follows:

- Within 10 days of arriving at a reception center for any prisoner who begins to serve a sentence under the DOC's jurisdiction after the bill's effective date.
- Not later than 30 days after the bill's effective date for any prisoners currently serving a sentence on the bill's effective date.

Parole eligibility report. As part of the determination to parole a prisoner, the parole board reviews information pertinent to the prisoner contained in a parole eligibility report. In general, the report is prepared by appropriate institutional staff at least 90 days before the expiration of the prisoner's minimum sentence and prior to a prisoner's interview with a parole board member. The bill would require two things in relation to the parole eligibility report:

- Include, as a required item in the eligibility report, whether the prisoner attempted to obtain identification documents.

- A prisoner's attempt or failure to attempt to obtain identification documents needed to obtain a state driver's license or personal ID card would have to be a factor required to be considered as part of the prisoner's parole eligibility report.

Prisoner identification card. The DOC would have to provide a prisoner identification card to each prisoner. The prisoner ID card would have to be given to a prisoner who is released on parole or released upon completion of the maximum sentence. The prisoner ID card would include the following based upon all available information:

- The prisoner's photograph, taken not earlier than six months before the prisoner's date of release.
- The prisoner's name as identified on the birth certificate or on any one of the other primary source ID documents specified by the SOS as being necessary to obtain a driver's license or state ID card, if those documents are available; or, the prisoner's name listed on commitment papers.
- The prisoner's place and date of birth.
- The date on which the prisoner began a term of incarceration at a state correctional facility.
- A statement as to whether the prisoner had been placed on parole or discharged upon completion of the sentence.

The Reentry Success Fund. The Reentry Success Fund would be created within the state treasury. The State Treasurer could receive money or other assets from any source for deposit into the fund and would direct the fund's investments and credit to the fund interest and earnings from those investments. Money in the fund at the close of a fiscal year would remain in the fund and not lapse to the General Fund. The DOC could expend money from the fund, upon appropriation, only for the expense of obtaining the documents needed to obtain a state driver's license or personal ID card for prisoners who are indigent.

House Bill 4077: The bill would amend the Code of Criminal Procedure (MCL 771.14) to require additional information to be included in a pre-sentence investigation report and to require certain information to be provided to a person committed to a state correctional facility about the value of obtaining a driver's license and state identification card upon release.

Generally speaking, before a court imposes a sentence, a probation officer must make inquiries as to the person's character and circumstances and prepare a written report for the court. This pre-sentence investigation report must include certain information, such as an evaluation of and a prognosis for the person's adjustment in the community based on factual information in the report.

The bill would require the pre-sentence report to also include a statement as to whether the person had provided identification documents necessary for obtaining a driver's license or state ID card (as described in a related bill, House Bill 5177). These documents

include a certified birth certificate, marriage license or divorce decree, a photo U.S. military identification card, and school records.

The bill would also require that a person being committed to a state correctional facility be provided a written form explaining the importance of obtaining a driver's license or state personal identification card upon release. The form would also have to list the personal identification documents needed to obtain a driver's license or state ID card.

The form would also contain a request that the person obtain and provide those documents to the Department of Corrections and would state that the DOC must retain the documents in the person's file until release. Any identification documents previously provided by the person would have to accompany the commitment papers.

FISCAL IMPACT:

Secretary of State: To the extent that the bills increase the ID card or operator license purchases above what they would otherwise be, there would be a positive fiscal impact to the state General Fund. Moreover, under statute, \$4 of each original license or renewal must be deposited in the Traffic Law Enforcement and Safety Fund. To the extent that the bill increases operator license applications above what they would otherwise be, the fund would realize an increase in revenue.

Corrections: House Bill 4075 would have an indeterminate effect on state and local government. The bill would make state ID cards more accessible to those who are on parole or released from corrections facilities, which could result in an increase in state ID purchases. However, providing access to Department of Corrections data could require investments in either technology or training for Secretary of State employees.

In addition, House Bills 4074 and 4077 are largely consistent with a memorandum of understanding (MOU) between the Department of State and the Department of Corrections; however, it appears that the department could incur modest costs in complying with requirements to provide prisoners with copies of forms and to include certain information in parole eligibility reports.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Ben Gielczyk
Erik Jonasson
Bob Schneider

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.