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BILL ANALYSIS



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House Bill 4074 (Substitute H-2 as passed by the House)
House Bill 4075 (Substitute H-2 as passed by the House)
House Bill 4076 (Substitute H-2 as passed by the House)
House Bill 4077 (Substitute H-2 as passed by the House)
Sponsor: Representative Margaret O'Brien (H.B. 4074)
Representative Mike Shirkey (H.B. 4075)
Representative Kurt Damrow (H.B. 4076)
Representative Ben Glardon (H.B. 4077)

House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 1-24-12

CONTENT

House Bill 4074 (H-2) would amend the Corrections Code to do the following:

- **Require the Department of Corrections (DOC) to assist released prisoners in obtaining identification documents, and to allow a prisoner to obtain those documents before being released.**
- **Require the DOC to allow the Secretary of State (SOS) to have electronic access to prisoner information, for the purpose of verifying the identity of a prisoner who applied for a driver license or State ID.**
- **Create the "Reentry Success Fund" for the DOC's expenses in assisting prisoners to obtain ID documents.**
- **Require a parole eligibility report to include whether a prisoner refused to attempt to obtain ID documents.**
- **Require the DOC to provide a prisoner with an ID card when he or she was released.**

House Bill 4075 (H-2) would amend Public Act 222 of 1972, which provides for the issuance of an official State personal ID card, and **House Bill 4076 (H-2)** would amend the Michigan Vehicle Code, to require the SOS to accept a prisoner ID card issued by the DOC as one of the documents required to obtain a State ID card or driver license.

House Bill 4077 (H-2) would amend the Code of Criminal Procedure to require that a person committed to a State correctional facility be notified of the importance of obtaining a driver license or State ID card upon release from incarceration. The bill also would require a presentence investigation report to include whether the person to be sentenced had provided ID documents.

All of the bills are tie-barred.

House Bill 4074 (H-2)

Prisoner ID Assistance

The bill would add Section 34e to the Corrections Code to require the DOC, by contract or otherwise, to assist prisoners with reentry into the community, including assisting prisoners in obtaining identification documents. Subject to the Department's security needs, the DOC would have to reasonably allow a prisoner to obtain the following identification documents before being released on parole or discharged upon completion of his or her maximum sentence:

- Any of the identification documents that, in combination with the person's prisoner identification card, would satisfy the application requirements for obtaining a driver license or State personal ID card, as established by the Secretary of State.
- A Social Security card or Social Security number verification, if possible to obtain.

A prisoner's refusal to obtain or attempt to obtain the documents described above could be included as part of his or her parole eligibility report.

Section 34c would apply to all prisoners serving a sentence under the DOC's jurisdiction after the bill's effective date who were eligible to obtain a driver license or a State personal ID card.

The DOC would have to include in writing to each prisoner the information described in House Bill 4077 (H-2), listing the identification documents referred to above. For a prisoner who began serving a sentence under the DOC's jurisdiction after the bill's effective date, the Department would have to provide the information during reception center processing. For any prisoner who was under the DOC's jurisdiction on the bill's effective date, the Department would have to provide the information as follows:

- For a prisoner with less than one year remaining before parole eligibility, within 90 days after the bill's effective date.
- For any other prisoner, at the time the parole eligibility report was prepared.

For the purpose of verifying the identity of a prisoner who applied for a driver license or State personal ID card, the DOC would have to allow the SOS to have electronic access to prisoner information.

Reentry Success Fund

The bill would create the Reentry Success Fund within the State Treasury. The State Treasurer could receive money or other assets from any source for deposit into the Fund, and would have to direct the investment of the Fund. The Treasurer would have to credit to the Fund interest and earnings from Fund investments. Money in the Fund at the close of the fiscal year would have to remain in the Fund and could not lapse to the General Fund. The DOC could spend money from the Fund, upon appropriation, only for the expenses of performing activities required by Section 34c.

Parole Eligibility Report

The Code requires the DOC to prepare a parole eligibility report for a prisoner. The bill would require the report to include whether the prisoner refused to attempt to obtain identification documents, if applicable.

Prisoner ID Card

The bill would require the DOC to provide a prisoner identification card to each prisoner when he or she was released on parole or was released upon completion of his or her maximum sentence. The ID card would have to include all of the following, based upon all available information:

- The prisoner's photograph, taken every three years or upon significant appearance change, whichever occurred first.
- The prisoner's legal name, as identified on his or her birth certificate or on any one of the other citizenship identification documents specified by the SOS as being necessary to obtain a driver license or State personal ID card, if those documents were available.
- The prisoner's date of birth.
- A statement as to whether the prisoner was placed on parole or discharged upon completion of his or her sentence.

House Bills 4075 (H-2) & 4076 (H-2)

Under Public Act 222, a resident of Michigan may apply to the Department of State for an official State personal ID card. An applicant who is a U.S. citizen must supply a photographic identity document, a birth certificate or other nonphotographic identity document, and other sufficient documents as required by the Secretary of State to verify the applicant's identity and citizenship. An applicant who is not a citizen must supply a photographic identity document and other sufficient documents to verify his or her identity and legal presence in the U.S. The same requirements apply under the Vehicle Code to a person applying for a driver license.

Under the bills, the Secretary of State would have to accept as one of required identification documents an ID card issued by the DOC under the Corrections Code (as amended by House Bill 4074 (H-2)) to prisoners placed on parole or released from a correctional facility. For the purpose of verifying the identity of a prisoner who applied for an official State ID card or driver license, the SOS would have to have electronic access to prisoner information maintained by the DOC.

House Bill 4077 (H-2)

The bill would require a person committed to a State correctional facility to be given notification explaining the importance of obtaining a driver license or State personal ID card upon release from incarceration. The notification would have to list the personal identification documents necessary for obtaining a driver license or State personal ID card (as described in House Bill 4074 (H-2)). It also would have to contain a request that the person obtain and provide those required documents to the DOC, and state that the DOC would retain the documents until the prisoner was released from secure confinement. Any identification documents previously provided by the person would have to accompany the commitment papers.

Under the Code of Criminal Procedure, before the court sentences a person charged with a felony, or a person in certain other cases, the probation officer must submit a written presentence investigation report to the court. Under the bill, the report would have to include a statement as to whether the person had provided the identification documents referred to above.

MCL 791.235 et al. (H.B. 4074)
28.291 (H.B. 4075)
257.307 (H.B. 4076)
771.14 (H.B. 4077)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bills would have an indeterminate fiscal impact on State and local government. The following highlights some of the key considerations in each of the bills:

House Bill 4074 (H-2)

The primary content of this bill has already been partially implemented via a Memorandum of Understanding between the Department of Corrections and the Secretary of State. Therefore, cost increases associated with implementation would likely be negligible. The bill would set up a "Reentry Success Fund" within the State Treasury, but does not specifically designate that any funds be placed into this Fund.

House Bills 4075 (H-2) & 4076 (H-2)

These bills would have a negligible fiscal impact. The DOC could incur small technology and labor costs in order to give the SOS read-only access to DOC prisoner information database.

House Bill 4077 (H-2)

The bill would likely cause a modest increase in labor/administrative costs for the Department of Corrections during the reception process when incoming prisoners are admitted into the system. There also could be marginal cost increases associated with organizing and storing any identification documents provided during the admitted prisoner's time served.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.