

HOUSE BILL No. 4795

June 20, 2017, Introduced by Reps. Pagel, Chang, LaGrand, Rabhi, Hoadley, Pagan, Guerra, Geiss, Wittenberg, Sneller, Ellison, Hammoud, Sabo, Yanez, Love, Moss and Howrylak and referred to the Committee on Transportation and Infrastructure.

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 2012 PA 25, and by adding section 1b.

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

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

25 (2) The secretary of state shall accept as 1 of the
26 identification documents required under subsection (1) an
27 identification card issued by the department of corrections to

1 prisoners who are placed on parole or released from a correctional
2 facility, containing the prisoner's legal name, photograph, and
3 other information identifying the prisoner as provided in section
4 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

5 (3) The secretary of state shall have electronic access to
6 prisoner information maintained by the department of corrections
7 for the purpose of verifying the identity of a prisoner who applies
8 for an official state identification card under subsection (1).

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

14 (5) ~~If~~ **EXCEPT AS PROVIDED IN SECTION 1B, IF** the applicant is
15 not a citizen of the United States, the applicant shall provide,
16 and the department shall verify, documents demonstrating his or her
17 legal presence in the United States. Nothing in this act shall
18 obligate or be construed to obligate this state to comply with
19 title II of the real ID act of 2005, Public Law 109-13. The
20 secretary of state may adopt rules under the administrative
21 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
22 necessary for the administration of this subsection. A
23 determination by the secretary of state that an applicant is not
24 legally present in the United States may be appealed under section
25 631 of the revised judicature act of 1961, 1961 PA 236, MCL
26 600.631.

27 (6) The secretary of state shall not disclose a social

1 security number obtained under subsection (1) to another person
2 except for use for 1 or more of the following purposes:

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

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

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

13 (d) As otherwise required by law.

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

17 (8) 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) 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) The secretary of state shall not issue an official state

1 personal identification card to a person holding an official state
2 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) 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 **SEC. 1B. (1) NOTWITHSTANDING SECTION 1, THE DEPARTMENT SHALL**
23 **ISSUE AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD TO AN**
24 **APPLICANT WHO IS UNABLE TO SUBMIT SUFFICIENT DOCUMENTS TO VERIFY**
25 **HIS OR HER IDENTITY AND LEGAL PRESENCE IN THE UNITED STATES AS**
26 **REQUIRED UNDER SECTION 1 OR WHO CHOOSES NOT TO OBTAIN AN OFFICIAL**
27 **STATE PERSONAL IDENTIFICATION CARD THAT MEETS THE CRITERIA UNDER**

1 THE REAL ID ACT OF 2005, PUBLIC LAW 109-13, IF THE APPLICANT
2 SATISFIES ALL OTHER REQUIREMENTS OF THIS SECTION, THE REQUIREMENTS
3 OF SECTION 1 OTHER THAN LEGAL PRESENCE IN THE UNITED STATES, AND
4 THE RULES PROMULGATED BY THE DEPARTMENT UNDER SUBSECTION (2).

5 (2) THE DEPARTMENT SHALL, IN CONSULTATION WITH APPROPRIATE
6 INTERESTED PARTIES, INCLUDING, BUT NOT LIMITED TO, LAW ENFORCEMENT
7 AND IMMIGRANTS' RIGHTS REPRESENTATIVES, PROMULGATE RULES UNDER THE
8 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
9 24.328, FOR ALL OF THE FOLLOWING PURPOSES:

10 (A) IDENTIFYING DOCUMENTS THAT ARE ACCEPTABLE TO THE
11 DEPARTMENT FOR THE PURPOSE OF PROVING IDENTITY OR MICHIGAN
12 RESIDENCY, SUBJECT TO SUBSECTION (3).

13 (B) ESTABLISHING PROCEDURES FOR VERIFYING THE AUTHENTICITY OF
14 THE DOCUMENTS DESCRIBED IN SUBDIVISION (A).

15 (C) ISSUING A TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION
16 CARD PENDING THE VERIFICATION OF ANY DOCUMENT'S AUTHENTICITY.

17 (D) ESTABLISHING A HEARING PROCESS FOR AN APPLICANT TO APPEAL
18 THE DENIAL OF AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD OR
19 TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION CARD UNDER THIS
20 SECTION.

21 (3) ACCEPTABLE DOCUMENTS FOR PURPOSES OF PROVING IDENTITY OR
22 MICHIGAN RESIDENCY MUST INCLUDE, BUT ARE NOT LIMITED TO, ALL OF THE
23 FOLLOWING:

24 (A) A VALID UNEXPIRED CONSULAR IDENTIFICATION DOCUMENT ISSUED
25 BY A CONSULATE FROM THE APPLICANT'S COUNTRY OF CITIZENSHIP OR A
26 VALID UNEXPIRED PASSPORT FROM THE APPLICANT'S COUNTRY OF
27 CITIZENSHIP.

1 (B) AN ORIGINAL BIRTH CERTIFICATE OR OTHER PROOF OF AGE. IF AN
2 ORIGINAL BIRTH CERTIFICATE IS IN A LANGUAGE OTHER THAN ENGLISH, THE
3 APPLICANT SHALL PROVIDE A CERTIFIED TRANSLATION OF THE BIRTH
4 CERTIFICATE.

5 (C) A HOME UTILITY BILL, LEASE OR RENTAL AGREEMENT, OR OTHER
6 PROOF OF MICHIGAN RESIDENCE.

7 (D) ONE OR MORE OF THE FOLLOWING DOCUMENTS WHICH, IF IN A
8 LANGUAGE OTHER THAN ENGLISH, SHALL BE ACCOMPANIED BY A CERTIFIED
9 TRANSLATION OR AN AFFIDAVIT OF TRANSLATION INTO ENGLISH:

10 (i) A MARRIAGE LICENSE OR DIVORCE CERTIFICATE.

11 (ii) A FOREIGN FEDERAL ELECTORAL PHOTO CARD ISSUED ON OR AFTER
12 JANUARY 1, 1991.

13 (iii) A FOREIGN DRIVER LICENSE.

14 (E) A RECEIPT FOR A UNITED STATES DEPARTMENT OF HOMELAND
15 SECURITY FORM I-589, APPLICATION FOR ASYLUM AND FOR WITHHOLDING OR
16 REMOVAL.

17 (F) AN OFFICIAL SCHOOL OR COLLEGE TRANSCRIPT THAT INCLUDES THE
18 APPLICANT'S DATE OF BIRTH, OR A FOREIGN SCHOOL RECORD THAT BEARS AN
19 OFFICIAL SEAL AND INCLUDES A PHOTOGRAPH OF THE APPLICANT AT THE AGE
20 THE RECORD WAS ISSUED.

21 (G) A UNITED STATES DEPARTMENT OF HOMELAND SECURITY FORM I-20
22 OR FORM DS-2019.

23 (H) A DEED OR TITLE TO REAL PROPERTY.

24 (I) A PROPERTY TAX BILL OR STATEMENT ISSUED WITHIN THE 12
25 MONTHS PRECEDING THE DATE OF APPLICATION.

26 (J) AN INCOME TAX RETURN.

27 (4) AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED

1 UNDER THIS SECTION, INCLUDING A TEMPORARY OFFICIAL STATE PERSONAL
2 IDENTIFICATION CARD, MUST INCLUDE A RECOGNIZABLE FEATURE ON THE
3 FRONT OF THE CARD INDICATING THAT IT IS NOT VALID FOR OFFICIAL
4 FEDERAL PURPOSES, AND MUST ALSO CONTAIN AN INDICATION THAT THE CARD
5 IS NOT VALID FOR OFFICIAL FEDERAL PURPOSES IN ELECTRONIC OR
6 MACHINE-READABLE CODES.

7 (5) A PERSON SHALL NOT DISCRIMINATE AGAINST AN INDIVIDUAL
8 BECAUSE THAT INDIVIDUAL HOLDS OR PRESENTS AN OFFICIAL STATE
9 PERSONAL IDENTIFICATION CARD OR A TEMPORARY OFFICIAL STATE PERSONAL
10 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

11 (6) A POLICE OFFICER SHALL NOT DETAIN, ARREST, PENALIZE, OR
12 DISCRIMINATE AGAINST AN INDIVIDUAL BASED SOLELY ON THAT
13 INDIVIDUAL'S PRESENTATION OF AN OFFICIAL STATE PERSONAL
14 IDENTIFICATION CARD OR A TEMPORARY OFFICIAL STATE PERSONAL
15 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

16 (7) EXCEPT WHEN NECESSARY TO COMPLY WITH A JUDICIALLY ISSUED
17 WARRANT OR SUBPOENA, INFORMATION COLLECTED UNDER THIS SECTION IS
18 NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT,
19 1976 PA 442, MCL 15.231 TO 15.246.

20 (8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INFORMATION
21 REGARDING AN APPLICANT'S SOCIAL SECURITY NUMBER OR INELIGIBILITY
22 FOR A SOCIAL SECURITY NUMBER OBTAINED BY THE DEPARTMENT UNDER THIS
23 SECTION IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF
24 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

25 (9) AS USED IN THIS SECTION:

26 (A) "MICHIGAN RESIDENCY" MEANS THAT AN INDIVIDUAL MAINTAINS A
27 SETTLED HOME OR DOMICILE IN THIS STATE AT WHICH THE INDIVIDUAL

1 RESIDES AND THAT MEETS THE DEFINITION OF RESIDENCE AS DEFINED IN
2 SECTION 11 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.11,
3 EXCEPT FOR A TEMPORARY ABSENCE. MICHIGAN RESIDENCY DOES NOT REQUIRE
4 THAT THE INDIVIDUAL BE A UNITED STATES CITIZEN OR LAWFULLY PRESENT
5 IN THE UNITED STATES.

6 (B) "PERSON" MEANS THAT TERM AS DEFINED IN SECTION 40 OF THE
7 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.40.