

**SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4365**

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 2020 PA 306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) An individual who is a resident of this state may
2 apply to the secretary 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 an applicant for an official state
3 personal identification card is not a citizen of the United States,
4 the applicant shall supply a photographic identity document and
5 other sufficient documents to verify the identity of the applicant
6 and the applicant's legal presence in the United States under
7 subsection (5). The documents required under this subsection must
8 include the applicant's full legal name, date of birth, address,
9 and residency and demonstrate that the applicant is a citizen of
10 the United States or is legally present in the United States. If
11 the applicant's full legal name differs from the name of the
12 applicant that appears on a document presented under this
13 subsection, the applicant shall present documents to verify his or
14 her current full legal name. An application for an official state
15 personal identification card must be made in a manner prescribed by
16 the secretary of state and must contain the applicant's full legal
17 name, date of birth, residence address, height, sex, eye color,
18 signature, intent to be an organ donor, other information required
19 or permitted on the official state personal identification card
20 and, only to the extent to comply with federal law, the applicant's
21 Social Security number. The applicant may provide a mailing address
22 if the applicant receives mail at an address different from his or
23 her residence address. Beginning ~~180 days after the effective date~~
24 ~~of the amendatory act that added this sentence,~~ **June 27, 2021**, if
25 the applicant is a program participant in the address
26 confidentiality program under the address confidentiality program
27 act, **2020 PA 301, MCL 780.851 to 780.873**, he or she shall present
28 to the secretary of state his or her participation card issued
29 under the address confidentiality program act, **2020 PA 301, MCL**

1 **780.851 to 780.873.** For automatic voter registration purposes under
2 section 493a of the Michigan election law, 1954 PA 116, MCL
3 168.493a, an applicant for an official state personal
4 identification card must indicate on the application or change of
5 address application whether he or she is a citizen of the United
6 States. An application must allow the applicant to indicate that
7 the applicant declines to use the application as a voter
8 registration application.

9 (2) The secretary of state shall accept as 1 of the
10 identification documents required under subsection (1) an
11 identification card issued by the department of corrections to
12 prisoners who are placed on parole or released from a correctional
13 facility, containing the prisoner's legal name, photograph, and
14 other information identifying the prisoner as provided in section
15 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

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

20 (4) The secretary of state shall not issue an official state
21 personal identification card to an individual who holds an
22 operator's or chauffeur's license issued under the Michigan vehicle
23 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
24 been suspended, revoked, or restricted.

25 (5) If the applicant is not a citizen of the United States,
26 the applicant shall provide, and the department shall verify,
27 documents demonstrating his or her legal presence in the United
28 States. Nothing in this act obligates this state to comply with
29 title II of the real ID act of 2005, Public Law 109-13. The

1 secretary of state may adopt rules under the administrative
2 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
3 necessary for the administration of this subsection. A
4 determination by the secretary of state that an applicant is not
5 legally present in the United States may be appealed under section
6 631 of the revised judicature act of 1961, 1961 PA 236, MCL
7 600.631. The secretary of state shall not issue an official state
8 personal identification card to an applicant described in this
9 subsection for a term that exceeds the duration of the applicant's
10 legal presence in the United States.

11 (6) The secretary of state shall not disclose a Social
12 Security number obtained under subsection (1) to another person
13 except for use for 1 or more of the following purposes:

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

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

19 (c) ~~With~~**To** the department of health and human services, for
20 comparison with vital records maintained by the department of
21 health and human services under part 28 of the public health code,
22 1978 PA 368, MCL 333.2801 to 333.2899.

23 (d) As otherwise required by law.

24 (7) The secretary of state shall not display an individual's
25 Social Security number on the individual's official state personal
26 identification card.

27 (8) A requirement under this section to include a Social
28 Security number on an application does not apply to an applicant
29 who demonstrates **that** he or she is exempt under law from obtaining

1 a Social Security number.

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

8 (10) The secretary of state shall not issue an official state
9 personal identification card to an individual holding an official
10 state personal identification card issued by another state without
11 confirmation that the individual is terminating or has terminated
12 the official state personal identification card issued by the other
13 state.

14 (11) The secretary of state shall do all of the following:

15 (a) Ensure the physical security of locations where official
16 state personal identification cards are produced and the security
17 of document materials and papers from which official state personal
18 identification cards are produced.

19 (b) Subject each person authorized to manufacture or produce
20 official state personal identification cards and each person who
21 has the ability to affect the identity information that appears on
22 official state personal identification cards to appropriate
23 security clearance requirements. The security requirements of this
24 subdivision and subdivision (a) may require that official state
25 personal identification cards be manufactured or produced in this
26 state.

27 (c) Provide fraudulent document recognition programs to
28 secretary of state employees engaged in the issuance of official
29 state personal identification cards.

1 (12) If an individual meets the requirements under subsection
2 (13), beginning July 1, 2021, the secretary of state shall allow
3 the individual to elect a communication impediment designation on
4 the application maintained in the central file under section 7 or
5 in another appropriate system that limits access to ~~law enforcement~~
6 ~~that would allow law enforcement agencies of this state~~ **a person**
7 **allowed access to public record information by the criminal justice**
8 **information policy council under the C.J.I.S. policy council act,**
9 **1974 PA 163, MCL 28.211 to 28.215, and that allows a person with**
10 **access** to view a communication impediment designation with an
11 official state personal identification card.

12 (13) An individual seeking an election for a communication
13 impediment designation under subsection (12) shall provide the
14 secretary of state a certification that meets all of the following:

15 (a) Is signed by a physician, physician assistant, certified
16 nurse practitioner, **audiologist, speech-language pathologist,**
17 **psychologist,** or physical therapist licensed to practice in this
18 state.

19 (b) Identifies the individual for whom the communication
20 impediment designation is being elected.

21 (c) Attests to the nature of the health condition that may
22 impede communication.

23 (14) The secretary of state shall not display an individual's
24 communication impediment designation on the individual's official
25 state personal identification card.

26 (15) A person who intentionally makes a false statement of
27 material fact or commits or attempts to commit a deception or fraud
28 on a statement described under subsection (13) is guilty of a
29 misdemeanor punishable by imprisonment for not more than 30 days or

1 a fine of not more than \$500.00, or both.

2 (16) Subject to subsection (17), the secretary of state may
3 cancel or revoke a communication impediment designation elected and
4 maintained under this section if either of the following
5 circumstances applies:

6 (a) The secretary of state determines that a communication
7 impediment designation was fraudulently or erroneously elected.

8 (b) The secretary of state determines the communication
9 impediment designation was abused during a traffic stop.

10 (17) The secretary of state shall provide an individual notice
11 and an opportunity to be heard before canceling or revoking a
12 communication impediment designation under subsection (16).

13 (18) As used in this section, "communication impediment" means
14 an individual has a health condition that may impede communication
15 with a police officer, including, but not limited to, **any of** the
16 following:

17 (a) Deafness or hearing loss.

18 (b) An autism spectrum disorder.

19 Enacting section 1. This amendatory act takes effect December
20 1, 2021.