

SUBSTITUTE FOR
HOUSE BILL NO. 4193

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 2021 PA 105.

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~~ **Except as otherwise provided in**
4 **subsection (4), upon** application, the applicant shall supply a
5 photographic identity document, a birth certificate or other

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

1 the address confidentiality program act, 2020 PA 301, MCL 780.851
2 to 780.873. For automatic voter registration purposes under section
3 493a of the Michigan election law, 1954 PA 116, MCL 168.493a, an
4 applicant for an official state personal identification card must
5 indicate on the application or change of address application
6 whether ~~he or she~~ **the applicant** is a citizen of the United States.
7 An application must allow the applicant to indicate that the
8 applicant declines to use the application as a voter registration
9 application.

10 (2) The secretary of state shall accept as 1 of the
11 identification documents required under subsection (1) an
12 identification card issued by the department of corrections to
13 prisoners who are placed on parole or released from a correctional
14 facility, containing the prisoner's legal name, photograph, and
15 other information identifying the prisoner as provided in section
16 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

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

21 **(4) Beginning October 1, 2023, on receipt of application**
22 **documents required under subsection (1), a prisoner's photograph,**
23 **and information on the projected date a prisoner will be released**
24 **on parole or discharged upon completion of the prisoner's maximum**
25 **sentence from the department of corrections as provided under**
26 **section 34c of the corrections code of 1953, 1953 PA 232, MCL**
27 **791.234c, the secretary of state shall, to the extent possible,**
28 **issue an official state personal identification card to the**
29 **prisoner, if the prisoner is eligible to be issued an official**

1 state personal identification card under this act. The secretary of
2 state shall do any of the following:

3 (a) Deliver the official state personal identification card
4 issued pursuant to this section to the department of corrections
5 before the projected date the prisoner issued the official state
6 personal identification card is scheduled to be released on parole
7 or discharged upon completion of the prisoner's maximum sentence.

8 (b) Mail the official state personal identification card
9 issued pursuant to this section as soon as possible to the
10 department of corrections. This subdivision applies if both of the
11 following conditions are met:

12 (i) The secretary could not comply with subdivision (a).

13 (ii) The prisoner is already released on parole or discharged
14 upon the completion of the prisoner's maximum sentence.

15 (5) ~~(4)~~—The secretary of state shall not issue an official
16 state personal identification card to an individual who holds an
17 operator's or chauffeur's license issued under the Michigan vehicle
18 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
19 been suspended, revoked, or restricted.

20 (6) ~~(5)~~—If the applicant is not a citizen of the United
21 States, the applicant shall provide, and the department shall
22 verify, documents demonstrating ~~his or her~~ **the applicant's** legal
23 presence in the United States. Nothing in this act obligates this
24 state to comply with title II of the real ID act of 2005, Public
25 Law 109-13. The secretary of state may adopt rules under the
26 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
27 24.328, as are necessary for the administration of this subsection.
28 A determination by the secretary of state that an applicant is not
29 legally present in the United States may be appealed under section

631 of the revised judicature act of 1961, 1961 PA 236, MCL 600.631. The secretary of state shall not issue an official state personal identification card to an applicant described in this subsection for a term that exceeds the duration of the applicant's legal presence in the United States.

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

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

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

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

(d) As otherwise required by law.

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

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

(10) ~~(9)~~—The secretary of state, with the approval of the state administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may enter into agreements with the United States government to verify whether an applicant for an official state personal

1 identification card under this section who is not a citizen of the
2 United States is authorized under federal law to be present in the
3 United States.

4 (11) ~~(10)~~—The secretary of state shall not issue an official
5 state personal identification card to an individual holding an
6 official state personal identification card issued by another state
7 without confirmation that the individual is terminating or has
8 terminated the official state personal identification card issued
9 by the other state.

10 (12) ~~(11)~~—The secretary of state shall do all of the
11 following:

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

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

24 (c) Provide fraudulent document recognition programs to
25 secretary of state employees engaged in the issuance of official
26 state personal identification cards.

27 (13) ~~(12)~~—If an individual meets the requirements under
28 subsection ~~(13)~~, **(14)**, beginning July 1, 2021, the secretary of
29 state shall allow the individual to elect a communication

1 impediment designation on the application maintained in the central
2 file under section 7 or in another appropriate system that limits
3 access to a person allowed access to public record information by
4 the criminal justice information policy council under the C.J.I.S.
5 policy council act, 1974 PA 163, MCL 28.211 to 28.215, and that
6 allows a person with access to view a communication impediment
7 designation with an official state personal identification card.

8 **(14)** ~~(13)~~—An individual seeking an election for a
9 communication impediment designation under subsection ~~(12)~~—**(13)**
10 shall provide the secretary of state a certification that meets all
11 of the following:

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

16 (b) Identifies the individual for whom the communication
17 impediment designation is being elected.

18 (c) Attests to the nature of the health condition that may
19 impede communication.

20 **(15)** ~~(14)~~—The secretary of state shall not display an
21 individual's communication impediment designation on the
22 individual's official state personal identification card.

23 **(16)** ~~(15)~~—A person who intentionally makes a false statement
24 of material fact or commits or attempts to commit a deception or
25 fraud on a statement described under subsection ~~(13)~~—**(14)** is guilty
26 of a misdemeanor punishable by imprisonment for not more than 30
27 days or a fine of not more than \$500.00, or both.

28 **(17)** ~~(16)~~—Subject to subsection ~~(17)~~,—**(18)**, the secretary of
29 state may cancel or revoke a communication impediment designation

1 elected and maintained under this section if either of the
2 following circumstances applies:

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

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

7 **(18)** ~~(17)~~—The secretary of state shall provide an individual
8 notice and an opportunity to be heard before canceling or revoking
9 a communication impediment designation under subsection ~~(16)~~. **(17)**.

10 **(19)** ~~(18)~~—As used in this section, "communication impediment"
11 means an individual has a health condition that may impede
12 communication with a police officer, including, but not limited to,
13 any of the following:

14 (a) Deafness or hearing loss.

15 (b) An autism spectrum disorder.

16 Enacting section 1. This amendatory act does not take effect
17 unless all of the following bills of the 102nd Legislature are
18 enacted into law:

19 (a) House Bill No. 4191.

20 (b) House Bill No. 4192.