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AB-1329 County jail incarcerated persons: identification card pilot program. (2023-2024)

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Assembly Bill No. 1329

CHAPTER 472

An act to add and repeal Section 4033 of the Penal Code, relating to prisoners.

[Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1329, Maienschein. County jail incarcerated persons: identification card pilot program.

Existing law requires the Department of Corrections and Rehabilitation and the Department of Motor Vehicles (DMV) to ensure that any eligible inmate, as defined, released from state prison has a valid identification card. Existing law authorizes the Department of Corrections and Rehabilitation and the DMV to provide a renewed driver's license in lieu of an identification card if the inmate meets specified criteria. Existing law defines "eligible inmate," in part, as a person who has previously held a California driver's license or identification card, who has a usable photo on file with the Department of Motor Vehicles, and who meets certain requirements, including that they have provided, and the Department of Motor Vehicles has verified, specified information, such as the inmate's true full name. Existing law requires the Department of Corrections and Rehabilitation, to the extent administratively feasible and within available resources, to facilitate the process between an eligible inmate and the agencies holding documentation required for the issuance of an identification card, as specified.

This bill would authorize the Sheriff's Department of the County of San Diego and the DMV to implement a pilot program based on the above-described provisions to provide eligible incarcerated persons, as defined, a valid identification card or driver's license when they are released from a County of San Diego detention facility. The bill would require the pilot program to be 5 years long. The bill would require the Sheriff's Department of the County of San Diego, if it implements the pilot program, to submit a report to the Legislature no later than April 1, 2028, including information on the number of identification cards issued and driver's licenses renewed, among other things.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4033 is added to the Penal Code, to read:

4033. (a) (1) The San Diego County Sheriff's Department and the Department of Motor Vehicles may implement a pilot program to provide an identification card for eligible incarcerated persons, as defined under subdivision (b), so they may have a valid identification card pursuant to Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code, to the extent administratively feasible and within available resources, when released from a San Diego County detention facility. The pilot program may also include the issuance of renewed driver's licenses pursuant to subdivision (d). The pilot program shall be five years long.

(2) To the extent administratively feasible and within available resources, the San Diego County Sheriff's Department shall facilitate the process between the incarcerated person and the agencies holding documentation required for an eligible incarcerated person, as defined under subdivision (b), to obtain a California identification card, such as a birth certificate or social security number, including, but not limited to, the provision of any necessary notary services, assistance with obtaining necessary forms, and correspondence.

(b) For purposes of this section, "eligible incarcerated person" means an incarcerated person who is applying for an original or replacement identification card and meets the following requirements in paragraph (1) or (2):

(1) (A) The incarcerated person has previously held a California driver's license or identification card.

(B) (i) The incarcerated person has a usable photo on file with the Department of Motor Vehicles.

(ii) If the photo is deemed unusable, the incarcerated person shall have a new photo taken.

(C) The incarcerated person has provided, and the Department of Motor Vehicles has verified, all of the following information:

(i) The incarcerated person's true full name.

(ii) The incarcerated person's date of birth.

(iii) The incarcerated person's social security number.

(iv) The incarcerated person's legal presence in the United States or, upon implementation of paragraph (2) of subdivision (a) of Section 12801.9 of the Vehicle Code, if the incarcerated person is unable to submit satisfactory proof that their presence in the United States is authorized under federal law, the incarcerated person has provided proof of their identity pursuant to Section 12801.9 of the Vehicle Code.

(v) California residency.

(2) (A) The incarcerated person has not previously held a California driver's license or identification card.

(B) The incarcerated person has signed and verified their application for an identification card under the penalty of perjury.

(C) The incarcerated person has a usable photo taken.

(D) The incarcerated person has provided a legible print of their thumb or finger.

(E) The incarcerated person has provided acceptable proof of the information described under clauses (i) to (v), inclusive, of subparagraph (C) of paragraph (1), and that information is subject to verification by the Department of Motor Vehicles.

(c) The fee for an original or replacement identification card issued to an eligible incarcerated person pursuant to this section shall be consistent with the fee set forth under subdivision (h) of Section 14902 of the Vehicle Code.

(d) (1) The San Diego County Sheriff's Department and Department of Motor Vehicles may provide a renewed driver's license in lieu of an identification card if the incarcerated person meets the eligibility criteria specified in Section 12814.5 of the Vehicle Code and is otherwise eligible for the issuance of a driver's license. An incarcerated person receiving a driver's license shall be responsible for paying the difference between the cost of the driver's license and the reduced fee for a California identification card.

(2) This subdivision shall apply to an incarcerated person whose driving privilege was valid within the prior 10 years.

(3) Nothing in this section shall be interpreted as removing the examination discretion of the Department of Motor Vehicles under Section 12814 of the Vehicle Code.

(e) (1) No later than April 1, 2028, the San Diego County Sheriff's Department, if it implements the pilot program, shall submit a report to the Legislature with all of the following information:

(A) The number of identification cards issued.

(B) The number of driver's licenses renewed.

(C) Any problems or barriers in implementing the pilot program.

(D) Any recommendations or best practices identified.

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(f) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.