
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: AB 1329 **Hearing Date:** June 27, 2023
Author: Maienschein
Version: April 12, 2023
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *County jail incarcerated persons: identification card pilot program*

HISTORY

Source: San Diego County Sheriff's Department

Prior Legislation: SB 629 (Roth), Ch. 645, Stats. 2021
AB 2308 (Stone), Ch. 607, Stats. 2014
AB 777 (Bass), held in Assembly Appropriations in 2009
AB 639 (Hancock), vetoed in 2007

Support: California Public Defenders Association; California State Association of Counties; California State Sheriffs' Association; City of San Diego; County of San Diego; San Diego County District Attorney's Office

Opposition: None known

Assembly Floor Vote: 76 - 0

PURPOSE

The purpose of this bill is to establish a pilot program for the San Diego Sheriff's Department and the Department of Motor Vehicles (DMV) to provide incarcerated individuals with a valid identification card or a renewed driver's license.

Existing law requires that CDCR and the DMV ensure that all eligible inmates released from state prison have a valid identification card. (Pen. Code, § 3007.05, subd, (a)(1).)

Existing law requires CDCR to facilitate the process between an incarcerated person and agencies holding documentation required for an eligible person to obtain a California identification card (Cal-ID) card, such as a birth certificate and social security number, including, but not limited to, necessary notary services, assistance with obtaining necessary forms, and correspondence, but only to the extent administratively feasible and within available resources. (Pen. Code, § 3007.05, subd, (a)(1).)

Existing law defines "eligible inmate" to mean an inmate who meets all of the following requirements:

- For persons who have previously held a Cal-ID or driver's license:

- The person has a usable photo on file with the DMV or if deemed unusable the person has a new one taken; and
 - The person has provided, and the DMV has verified, the their true full name, date of birth, social security number, proof of legal presence in the country, and California residency; or,
 - For persons who have *not* previously held a Cal-ID or driver's license:
 - The person has signed and verified their application for a Cal-ID under penalty of perjury;
 - The person has a usable photo taken;
 - The person has provided a legible thumb or finger print; and,
 - The person has provided acceptable proof of the their true full name, date of birth, social security number, legal presence in the country, and California residency, which shall be subject to DMV verification.
- (Pen. Code, § 3007.05, subds. (c) & (d).)

Existing law authorizes CDCR and the DMV provide a renewed driver's license in lieu of an identification card if the incarcerated person meets specified eligibility criteria, has had a valid driver's license within the prior 10 years, and is otherwise eligible for the issuance of a driver's license. (Pen. Code, § 3007.05, subd. (f).)

Existing law provides that an incarcerated person receiving a driver's license is be responsible for paying the difference between the cost of the driver's license and the reduced fee for a Cal-ID. (Pen. Code, § 3007.05, subd. (f).)

Existing law establishes an \$8 fee for a replacement identification card issued to an eligible inmate upon release from a federal correctional facility or a county jail facility, or the Department of State Hospitals. (Veh. Code, § 14902, subds. (g) & (i).)

Existing law establishes an \$8 fee for an original or replacement identification card issued to an eligible inmate upon release from a state correctional facility. (Veh. Code, § 14902, subd. (g).)

This bill authorizes the San Diego County Sheriff's Department and DMV to implement a pilot program to provide a Cal-ID for eligible incarcerated persons, as defined, so they may have a valid ID card, to the extent administratively feasible and within available resources, when released from a San Diego County detention facility. Provides that the pilot program may also include the issuance of renewed driver's licenses.

This bill defines "eligible incarcerated person" to mean an incarcerated person who is applying for an original or replacement Cal-ID and meets the following requirements:

- For individuals who have previously held a California driver's license or ID card.
 - The incarcerated person has a usable photo on file with the DMV. Requires a new photo to be taken if the photo is deemed unusable.
 - The incarcerated person has provided, and the Department of Motor Vehicles has verified, all of the following information: the incarcerated person's true full name, date of birth, social security number, legal presence in the United States, and California residency.

- For individuals who have not previously held a California driver's license or identification card:
 - The incarcerated person has signed and verified their application for an identification card under the penalty of perjury.
 - The incarcerated person has a usable photo taken.
 - The incarcerated person has provided a legible print of their thumb or finger.
 - The incarcerated person has provided acceptable proof of the incarcerated person's true full name, date of birth, social security number, legal presence in the United States, and California residency, and that information is subject to verification by the Department of Motor Vehicles.

This bill provides that upon implementation of provisions of law allowing undocumented immigrants to apply for driver's licenses in California, those provisions will apply to persons unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law.

This bill requires, to the extent administratively feasible and within available resources, the San Diego County Sheriff's Department to facilitate the process between the incarcerated person and the agencies holding documentation required for an eligible incarcerated person, as defined, to obtain a Cal-ID, 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.

This bill sets the fee for an original or renewal Cal-ID at the reduced rate of \$8 applicable to persons incarcerated within a state correctional facility.

This bill authorizes the sheriff's department and the DMV to provide a renewed driver's license instead of a Cal-ID if the incarcerated person had a valid license within the past 10 years, otherwise meets the eligibility criteria for renewing a driver's license by mail, and is otherwise eligible for the issuance of a license.

This bill provides that an incarcerated person receiving a driver's license is responsible for paying the difference between the cost of the driver's license and the reduced fee for a Cal-ID.

This bill specifies that these provisions do not remove the examination discretion of the DMV for renewing a driver's license.

This bill requires the sheriff's department to submit a report by April 1, 2028 with all of the following information:

- The number of identification cards issued under the program;
- The number of driver's licenses renewed;
- Any problems or barriers in implementing the pilot program; and,
- Any recommendations or best practices identified.

This bill specifies that the pilot program is for five years and sunsets on January 1, 2029.

COMMENTS

1. Need For This Bill

According to the author:

For individuals transitioning back into the local communities after a period of incarceration, an official California ID card is necessary in order to access services, obtain employment, secure housing and seek medical insurance such as Medi-Cal. The legislature has taken action to make it easier for inmates leaving prison to obtain an ID with the goal of setting individuals up for success and reducing recidivism. AB 1329 expands on this progress by authorizing a 5-year pilot project for the San Diego County Sheriffs' Department to explore a more expeditious process in issuing state identification cards to incarcerated persons upon their release from a San Diego County jail facility.

2. CDCR Cal-ID Program

The purpose of the Cal-ID program is to “streamline access to support services, such as medical, housing, and right-to-work documents” upon release. An incarcerated individual must be within 13 months of release from CDCR to apply for a Cal-ID.

(<https://www.cdcr.ca.gov/rehabilitation/calid/>)

As originally implemented, CDCR's Cal-ID program provided a valid Cal-ID to eligible incarcerated individuals upon their release from prison, and the program was located at 13 prisons designated as Reentry Hub institutions. AB 2308 (Stone, Chapter 607, Statutes of 2014) expanded the Cal-ID program, requiring CDCR and DMV to ensure that all eligible incarcerated individuals released from state prison have a valid ID card.

This bill creates a five-year pilot program which mirrors the current CDCR Cal-ID program for persons incarcerated in San Diego County jails.

3. Argument in Support

According to the San Diego County Sheriff's Department, the bill's sponsor:

In 2015, the County of San Diego established a Memorandum of Understanding (MOU) with the DMV in facilitating the issuance of identification cards to incarcerated persons in San Diego County jails. The paper process to initiate an application takes DMV approximately 120 days from receipt of pre-screening information to the delivery of completed identification cards. Once an identification card is received, the San Diego County Sheriff's Department retains possession of the identification card issued by the DMV until the release of that individual. Since the inception of the MOU, the Sheriff's Department has issued over 3,500 identification cards to incarcerated individuals.

AB 1329 will allow for efficiency by cutting the identification card issuance time in half so an incarcerated person can get quicker access to an official government issued identification card or driver's license. To support individuals transitioning back into the local communities, an official identification card is a needed step

towards self-sufficiency and removes barriers with the end goal being the ability to access fundamental services for a successful reintegration back into society.

-- END --