
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Steven Bradford, Chair

2021 - 2022 Regular

Bill No: AB 717 **Hearing Date:** July 6, 2021
Author: Stone
Version: June 24, 2021
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Prisoners: identification cards*

HISTORY

Source: A New Way of Life Reentry Project
Anti-Recidivism Coalition
California Coalition for Women Prisoners
Los Angeles Regional Reentry Partnership
Our Road Prison Project
Root & Rebound
San Diego County District Attorney's Office
San Diego Reentry Roundtable
W. Haywood Burns Institute

Prior Legislation: AB 2835 (Stone), didn't move in 2020 due to COVID-19
AB 2308 (Stone), Ch. 607, Stats. 2014

Support: ARI Works Advance Reentry Initiative; California Attorneys for Criminal Justice; California Catholic Conference; California Judges Association; California Public Defenders Association; California Reentry Program; Californians for Safety and Justice; Center on Juvenile and Criminal Justice; Chrysalis; City and County of San Francisco, Reentry Council; Drug Policy Alliance; Ella Baker Center for Human Rights; Initiate Justice; Kitchens for Good; Legal Services for Prisoners With Children; National Association of Social Workers, California Chapter; Neighborhood House Association; Our Road Prison Project; Paper Prisons Initiative of Santa Clara; Riverside Sheriffs' Association; Rubicon Programs; San Francisco Public Defender; Second Chance; Successful Reentry; Transgender Advocacy Group; Transitions Clinic Network; UnCommon Law

Opposition: None known

Assembly Floor Vote: 64 - 13

PURPOSE

The purpose of this bill is to require the Department of Corrections and Rehabilitation: (1) to make all reasonable efforts to ensure that all inmates released from state prison are released with a valid identification (ID) card or a duplicate or renewal driver's license, unless an inmate chooses not to obtain one; (2) determine the documentation required for California identification cards and driver's licenses and provide inmates with the opportunity and means

to obtain those documents; and (3) to make licensing examinations, not including the driver test, available to inmates.

Existing law requires the Department of Corrections and Rehabilitation (CDCR) and the Department of Motor Vehicles (DMV) to ensure that all eligible inmates released from state prisons have valid ID cards. (Pen. Code, § 3007.05, subd. (a).)

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

- The inmate has previously held a California driver’s license or ID card.
- The inmate has a usable photo on file with the DMV that is not more than 10 years old.
- The inmate has no outstanding fees due for a prior California ID card.
- The inmate has provided, and the DMV has verified, all of the following information:
 - The inmate’s true full name.
 - The inmate’s date of birth.
 - The inmate’s social security number.
 - The inmate’s legal presence in the U.S. (Pen. Code, § 3007.05, subd. (b).)

Existing law establishes a \$30 fee for the application of a renewal of a driver’s license and a \$24 fee for the application of a duplicate driver’s license. (Veh. Code, §§ 14900.1, 14901.)

Existing law establishes a \$26 fee for the application of an ID card, except as specified. (Veh. Code, § 14902, subd. (a).)

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

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

- The inmate previously held a California driver’s license or ID card.
- The inmate has a usable photo on file with the DMV that is not more than 10 years old.
- The inmate has no outstanding fees due for a prior California ID card.
- The inmate has provided, and the DMV has verified, his or her true full name, date of birth, social security number, and legal presence in the U.S.
- The inmate currently resides in a facility housing inmates under the control of CDCR, a federal correctional facility, or a county jail facility.
- The inmate has provided the DMV, upon application, a verification of his or her eligibility that meets all of the following requirements:
 - Be on state or federal correctional facility letterhead or county sheriff letterhead.
 - Be typed or computer generated.
 - Contain the inmate’s name.
 - Contain the inmate’s date of birth.
 - Contain the original signature of an official from the state or federal correctional facility or county sheriff’s office.
 - Be dated within 90 days of the date of application. (Veh. Code, § 14902, subd. (g).)

This bill requires CDCR and the DMV to make all reasonable efforts to ensure that all inmates released from state prison are released with a valid California ID card or a duplicate or renewal driver's license, unless an inmate willfully chooses not to obtain a California ID card or driver's license. Requires CDCR to provide the inmate with a photo prison ID card where a valid California ID card or driver's license is not obtained before release.

This bill requires CDCR, in order to process original, duplicate, or renewal requests for California ID cards and duplicate or renewal requests for driver's licenses, to do all of the following:

- Ensure all CDCR facilities in which inmates are incarcerated have the necessary equipment, including, but not limited to, DMV-approved cameras.
- Determine the documentation the inmate requires to obtain a California ID card or driver's license, such as a birth certificate or social security account card, as soon as an inmate is within 24 months of release. Requires CDCR, upon receiving written consent from the inmate, to facilitate the process between the inmate and the agencies holding the documentation by providing the means and opportunity, including, but not limited to, any forms, fees, notary services, and mailing-related needs, to ensure the inmate obtains the required documentation as soon as possible. Provides that this process begin, for an inmate serving a life sentence, as soon as the inmate is within 24 months of their minimum eligible parole date, and that the process begin immediately for an inmate whose sentence is shortened to within 24 months of release for any reason.
- Requires CDCR to work with DMV, with written consent from the inmate, as soon as an inmate is within 13 months of release, and provide the means and opportunity, including, but not limited to, any forms, photographs, and mailing-related needs, to ensure the inmate receives an original, renewal, or duplicate California ID card or duplicate or renewal driver's license at release. Provides that this process begin, for an inmate serving a life sentence, as soon as the inmate is within 13 months of their minimum eligible parole date, and that the process begin immediately for an inmate whose sentence is shortened to less than 13 months for any reason.

This bill requires CDCR to provide inmates their California ID card or driver's license, plus any additional documents obtained on their behalf, upon their release.

This bill requires CDCR to annually prepare a report for the Legislature about this program that includes the following information:

- The number of inmates provided with original and renewal identifications, renewal licenses, disaggregated by license type, and written examinations disaggregated by license type.
- The number of CDCR facilities that are providing license and ID services to inmates.
- Any impediment to implementation of this program and recommendations for resolution of those issues.

This bill establishes the fee for an original, duplicate, or renewal ID card or a duplicate or renewal driver's license issued to an inmate upon release from a state or federal correctional facility or a county jail facility at \$8.

COMMENTS

1. Need for This Bill

According to the author:

At all times, a government-issued identification (ID) card is essential to securing healthcare, employment, housing, bank accounts, and public benefits such as Medi-Cal and CalFresh. During the COVID-19 public health crisis, ensuring people are released from prison with a photo ID is more vital than ever because it will streamline access to Coronavirus testing and vaccines. Possessing an ID card will decrease rates of recidivism and mass incarceration, and is ultimately a passport to successful reintegration.

The existing CAL-ID Program provides an avenue for eligible individuals to acquire a valid ID when they leave a state prison, however, the program's narrow edibility criteria leaves 71% of people *without* an ID upon release.

AB 717 will require the California Department of Corrections and Rehabilitation (CDCR) and the Department of Motor Vehicles (DMV) to make all reasonable efforts to provide a California Identification card or driver's license to all people released from state prison. A legal ID has always been a lifeline for people returning home from prison, and its importance has only been compounded amidst the pandemic.

Securing a form of identification in the community can be overwhelming. Often, one must order a birth certificate for \$25 and wait one or more months; if born in New York City, for example, the current wait is 20 weeks. After receiving the birth certificate, they must schedule an appointment with the Department of Motor Vehicles (DMV), pay another \$33 to \$38, and wait another 3-4 weeks. Meanwhile, they typically have no access to income, healthcare, housing, or banks. These barriers to successful reintegration increase rates of recidivism and contribute to mass incarceration.

The existing CAL-ID Program provides an avenue for eligible individuals to obtain a valid California ID upon their release from any CDCR facility. However, the program's narrow eligibility criteria inhibits most people from receiving ID cards. The criteria excludes people who have been incarcerated for more than 10 years, individuals with outstanding DMV fines, and those currently without documentation such as their social security card or birth certificate.

According to CAL-ID program data from July to December 2019, CDCR released 16,528 people from custody. Only 29% of these individuals were released with IDs, leaving 71% of these individuals without identification.

To reduce the transmission of COVID-19, Governor Newsom's administration has been necessarily accelerating the release of people from incarceration. Unfortunately, most people leave without identification and have limited access to DMVs. A legal ID has always been a lifeline for people returning home from prison, and its importance has only compounded amidst the pandemic.

2. CAL-ID Program

As originally implemented, CDCR's CAL-ID program provided a valid California ID card to eligible inmates 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 inmates released from state prison have a valid ID card. Under current law, an incarcerated individual must be within 13 months of release and meet the following criteria in order to be eligible to apply for a state ID:

- The inmate has previously held a California driver's license or ID card.
- The inmate has a usable photo on file with the DMV that is not more than 10 years old.
- The inmate has no outstanding fees due for a prior California ID card.
- The inmate has provided, and the DMV has verified, all of the following information:
 - The inmate's true full name.
 - The inmate's date of birth.
 - The inmate's social security number.
 - The inmate's legal presence in the U.S. (Pen. Code, § 3007.05, subd. (b).)

Additionally, eligibility is limited to inmates who do not have an active felony hold, warrant, or detainer that may result in an additional period of incarceration following their release date. Similarly, eligibility is limited to inmates who do not have an active Immigration and Customs Enforcement hold, which would result in deportation.

This bill eliminates the eligibility criteria listed above and instead requires CDCR and the DMV to make all reasonable efforts to ensure that all inmates released from state prison are released with a valid California ID card or a duplicate or renewal driver's license, unless an inmate willfully chooses not to obtain one. This bill also requires CDCR to provide an inmate with a photo prison ID where a valid California ID card or driver's license is not obtained before release.

This bill further requires CDCR to do a number of things to assist inmates in obtaining an ID or driver license, including determining the documentation an inmate needs in order to obtain a California ID card or driver's license and facilitating the process for the inmate to obtain that documentation by providing the means and opportunity, including, but not limited to, any forms, fees, notary services, and mailing-related needs, to ensure the inmate obtains the required documentation as soon as possible. Finally, this bill establishes an \$8 fee for an original, duplicate, or renewal identification card or a duplicate or renewal driver's license issued to an inmate upon release from a county, state, or federal correctional facility.

This Committee passed a similar bill, SB 629 (Roth), on April 6, 2021. SB 629 only applies to state ID cards and changes the eligibility criteria for a state prison inmate to be issued an ID card upon release.