

Department of Legislative Services
Maryland General Assembly
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FISCAL AND POLICY NOTE
First Reader

House Bill 1553 (Delegate Bridges, *et al.*)
Environment and Transportation

Identification Cards and Driver's License Renewals - Inmates

This bill requires the Motor Vehicle Administration (MVA) to issue an identification (ID) card to an inmate before release from confinement in a correctional facility. MVA, in consultation with the Department of Public Safety and Correctional Services (DPSCS), must adopt regulations to implement this requirement. The bill further requires a driver's license held by an inmate confined at a correctional facility to remain in full force and effect during the term of confinement. MVA must renew an inmate's driver's license before release from confinement if the license (1) would otherwise have expired and (2) is not otherwise suspended, revoked, or canceled. The bill repeals an existing requirement that DPSCS issue an ID card to an inmate prior to release from a State correctional facility.

Fiscal Summary

State Effect: Transportation Trust Fund (TTF) expenditures increase, primarily to expand the existing ID card program to local correctional facilities beginning in FY 2021; however, the amount of the increase cannot be reliably quantified at this time, as discussed below. This estimate does not include any costs related to the bill's driver's license provisions, which MVA advises are inconsistent with federal law and, therefore, cannot be implemented. TTF revenues likely decrease minimally.

Local Effect: Local expenditures likely increase to handle an increase in casework, as discussed below. Local revenues are not affected. **The bill may impose a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: “Correctional facility” means a facility that is operated for the purpose of detaining or confining adults who are charged with or found guilty of a crime. As used in the bill, the term includes both local and State correctional facilities. “Inmate” means an individual who is actually or constructively detained or confined in a correctional facility.

An ID card issued pursuant to the bill must meet the requirements for secondary identification for the purpose of an ID card issued by MVA pursuant to § 12-301 of the Transportation Article.

Current Law/Background: The Commissioner of Correction must issue an ID card to an inmate before release from confinement in a State correctional facility. The ID card must meet the requirements for secondary identification for the purpose of an ID card issued by MVA under § 12-301 of the Transportation Article.

Identification Cards

On application, MVA must issue an ID card to any applicant who:

- is a resident of the State;
- does not have a driver’s license;
- presents a birth certificate or other acceptable proof of age and identity;
- provides satisfactory documentary evidence that the applicant has lawful status;
- provides satisfactory documentary evidence that (1) the applicant has a valid Social Security number by presenting the Social Security card (or specified documents if the card is not available) or (2) the applicant is not eligible for a Social Security number; and
- presents a completed application for an ID card on the appropriate form.

The fee for an ID card is \$15 for an applicant younger than age 18 and \$24 for an applicant age 18 or older. An ID card for an individual experiencing homelessness is \$1. A duplicate or correction ID card is \$20.

MVA is not required to charge a fee in specified circumstances.

An ID card must be of the size and design MVA requires and tamperproof, to the extent possible. The card must contain the following information:

- the name, address, birth date, sex, and description of the applicant;
- a color photograph taken by the appropriate procedure required by MVA;

- the expiration date of the ID card;
- the applicant's signature; and
- the signature and seal of the issuing agent.

An ID card may be used as legal identification of the individual to whom it is issued for any purpose.

An ID card issued to an applicant who is age 18 or older is valid for eight years; for an applicant younger than age 18, the ID card is valid for five years. An ID card must be surrendered by the holder upon being issued a Maryland driver's license.

Driver's Licenses

Each application for a driver's license must be made on the form that MVA requires. The application must include, among other things, the applicant's full name, Maryland residence address, race, sex, height, weight, general physical condition, date of birth, and any other pertinent information required by MVA. An applicant must also provide specified documentary evidence that the applicant has a valid Social Security number or that the applicant is not eligible for a Social Security number. Each noncommercial Class A, B, C, or M license issued by MVA must be of the size, design, and content specified by MVA, including the licensee's name and residence address, date of birth, a description, height, weight, sex, a color photograph, the type or class of vehicles that the license authorizes the licensee to drive, the signature and seal of the issuing agent, and a space for the signature of the licensee. When issued and signed, a driver's license authorizes the licensee to drive any vehicle of the type or class specified on it, subject to any restrictions endorsed on the license.

A Maryland noncommercial driver's license issued to an applicant age 21 or older is valid for a maximum of eight years. MVA typically sends a renewal notice at least 60 days before a license expiration date. However, an applicant does not need the notice to apply. If the applicant is age 25 or older, the individual is permitted to apply for a renewal license at any time during the period from six months before the license expires to one year after it expires. (However, a person is prohibited from driving – or attempting to drive – with an expired license.)

If an individual is younger than age 21, the applicant must wait until his or her 21st birthday or thereafter to renew; the applicant's license will expire no later than 60 days after his or her 21st birthday.

The renewal fee for an eight-year noncommercial driver's license is \$48.

Applicants without Lawful Status

MVA may issue a driver's license, ID card, or moped operator's permit to an applicant without lawful status under specified circumstances if the applicant would otherwise be eligible for that document. The applicant must provide documentary evidence that the applicant, for each of the preceding two years, has filed a Maryland income tax return or has resided in Maryland and been claimed as a dependent by an individual who has filed a Maryland income tax return. These documents, however, are not acceptable by federal agencies for official purposes determined by the Secretary of Homeland Security. These documents must clearly state on their face and in the machine-readable zone that they are not acceptable by federal agencies for official purposes and must have a unique design or color indicator. The documents must also include a statement that the document may not be used to purchase a firearm.

Existing DPSCS/MVA Program

DPSCS advises that, since 2012, it has issued approximately 19,000 MVA ID cards to inmates prior to and after release. DPSCS further advises that, under the current partnership with MVA, its staff takes necessary photographs for ID cards and uploads them to MVA. Once the photo is uploaded, the necessary application packet is transported by facility staff to the local MVA office for processing. DPSCS staff returns to the MVA office the following week and retrieves the ID cards. DPSCS notes that inmates may also obtain an MVA ID card (at a cost of \$2) within 60 days after their release by going directly to a local MVA branch; they must show their release ID card, release paperwork, proof of residence, Social Security card, and birth certificate.

Not all prisoners set for release are eligible for MVA ID cards. For example, ID cards are not provided to inmates who do not plan to reside in the State, to inmates with an outstanding detainer, if an inmate refuses, or if DPSCS does not receive the inmate's birth certificate or Social Security card. DPSCS is unable to quantify the exact number of prisoners released each year who are excluded from the MVA ID card program.

In fiscal 2019, approximately 4,400 individuals were released from State correctional facilities.

In addition, the Governor's Office of Crime Control and Prevention advises that about 81,718 inmates were released from local detention facilities statewide in 2018, including both sentenced and pretrial inmates. Further, inmates may be released on the same day they are booked.

REAL ID Act

On May 11, 2005, President George W. Bush signed into law the REAL ID Act, which requires federal agencies to accept only personal ID cards that meet certain standards. The U.S. Department of Homeland Security issued final regulations in January 2008. Pursuant to the regulations, MVA must verify the identity and lawful status of each applicant for a driver's license or ID card. Once fully enforced, driver's licenses and ID cards issued by states that are not in compliance with REAL ID standards will not be recognized for federal purposes, including accessing a federal facility and boarding a federally regulated commercial aircraft.

State/Local Fiscal Effect: Both State and local expenditures are expected to increase due to “correctional facility” and “inmate” encompassing *all* individuals held in State and local facilities. As MVA does not have direct access to inmates, the bill can only be implemented with the ongoing cooperation of DPSCS and the establishment of similar protocols and procedures for working with local correctional facilities. This analysis assumes that the existing program between MVA and DPSCS is maintained with no or only minimal changes (to the extent additional inmates released from State facilities qualify).

MVA advises that TTF expenditures are not materially affected by the bill, and the Department of Legislative Services (DLS) generally concurs. However, DLS advises that the impact on TTF expenditures depends on how many additional ID cards must be printed for inmates throughout the State and the system implemented with local correctional facilities. With regard to State correctional facilities, as many as 2,000 inmates each year do not currently receive an MVA ID card prior to their release – some portion of them may already have a valid ID card or not qualify for an MVA ID card for other reasons, such as not planning to reside in Maryland. With regard to local correctional facilities, approximately 81,700 individuals were released in 2018; this figure includes both sentenced and pretrial inmates released, some of whom may be released the day of booking.

Given considerable uncertainty regarding how many additional MVA ID cards have to be issued under the bill, DLS cannot precisely quantify the impact on State expenditures. This analysis assumes that DPSCS can absorb the impact should additional inmates qualify for and receive MVA ID cards prior to their release from State correctional facilities, but costs increase slightly for MVA should this occur. MVA costs increase further to develop a similar system as that currently in place with DPSCS to process MVA ID cards for inmates who are being released from local correctional facilities. *For illustrative purposes only*, if an additional 1,000 *State* inmates receive MVA ID cards prior to their release each year (assuming a cost of \$24 per ID card), TTF expenditures increase by approximately \$24,000 annually. If 10% of individuals released from *local* correctional facilities each year receive MVA ID cards prior to their release, TTF expenditures increase by an additional \$196,100 annually. Under this scenario, TTF expenditures increase by about

\$220,100 annually (and by \$165,100 in fiscal 2021, reflecting the bill's October 1, 2020 effective date). This illustrative estimate does not account for any additional costs associated with expanding the uploading of photos to encompass those from local correctional facilities.

At the local level, costs likely increase to handle transactions with MVA on behalf of inmates prior to their release. For example, Montgomery County anticipates hiring an additional case manager for this purpose. County expenditures for the case manager alone increase by approximately \$73,900 in fiscal 2021 (reflecting the bill's October 1, 2020 effective date) and by almost \$100,000 in subsequent years.

This analysis assumes that all MVA ID cards issued to inmates prior to their release are provided free of charge, consistent with the current program with DPSCS. To the extent the bill results in fewer former inmates obtaining MVA ID cards within 60 days of release at a cost of \$2 each, TTF revenues decline minimally. *For illustrative purposes only*, if all inmates under the scenario above would have otherwise obtained an ID card after release, TTF revenues decrease by less than \$20,000 annually.

Additional Comments: MVA advises that certain provisions of the bill cannot be implemented. Specifically, the bill's requirement that a driver's license held by an inmate remain in full force and effect during the inmate's term of confinement conflicts with federal law (which specifies that the maximum term of validity for a driver's license is eight years). Under the bill, if an inmate's license were to expire during the term of confinement, MVA would be required to keep the license active (contrary to federal law).

Additional Information

Prior Introductions: None.

Designated Cross File: SB 77 (Senator Ellis) - Judicial Proceedings.

Information Source(s): Baltimore City; Harford and Montgomery counties; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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