

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 77

(Senator Ellis)

Judicial Proceedings

Environment and Transportation

Important Documents and Identification Cards – Inmates

This bill requires the Department of Public Safety and Correctional Services (DPSCS) through its Division of Correction (DOC) to obtain an inmate's birth certificate and Social Security card after taking custody of an inmate (unless the inmate does not consent.) Moreover, each local correctional facility must develop and implement a policy for assisting inmates to obtain identification (ID) cards issued by the Motor Vehicle Administration (MVA), either before or after release from confinement. The bill requires MVA to issue an ID card at no cost to an applicant who presents (1) an ID card issued by DOC that displays specified information and (2) the individual's Social Security card. The bill also requires DPSCS to report certain data related to these provisions to the General Assembly by January 5, 2022 (and each year thereafter through 2024). **The reporting requirement terminates September 30, 2024.**

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. DPSCS can handle the reporting requirement with existing budgeted resources. 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: The bill requires DOC to begin the process of obtaining an inmate's birth certificate upon taking custody of an inmate. If the inmate's birth certificate is obtained, DOC must provide the inmate with the birth certificate before release from confinement.

DOC must also apply to the Social Security Administration (SSA) to obtain an inmate's Social Security card (1) at the earliest date possible in accordance with any memorandum of understanding between DOC and SSA or (2) as soon as practicable. If the Social Security card is obtained, DOC must provide the inmate with the card before release from confinement.

In either case, DOC may only obtain the documents if the inmate consents in writing.

Reporting Requirement

By January 5, 2022, DPSCS must report to the General Assembly the following information for the preceding calendar year:

- the number of ID cards issued to inmates;
- the number of birth certificates obtained for inmates (including the number of birth certificates obtained from each state);
- the number of Social Security cards obtained for inmates; and
- the number of inmates released from a State correctional facility with or without ID cards and the above documents.

DPSCS must continue to report this information annually through 2024.

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.

Applicants without Lawful Status

MVA may issue an ID card (as well as a driver's license 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, DOC 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. DOC 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 inmates 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 inmates 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 Prevention, Youth, and Victim Services 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: DPSCS advises that it can implement the bill's requirements with existing budgeted resources. Likewise, the Maryland Department of Health can likely handle any additional requests for birth certificates with existing resources. 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 MVA ID cards may 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 may 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. These costs vary for each jurisdiction and depend upon whether a given jurisdiction already has a similar policy in place.

Because MVA must issue ID cards free of charge to any individual who presents the required information (*e.g.*, a DOC ID card), the bill likely results in fewer former inmates paying the existing \$2 fee to obtain an MVA ID card within 60 days of release. This revenue loss is expected to be minimal.

Additional Information

Prior Introductions: None.

Designated Cross File: HB 1553 (Delegate Bridges, *et al.*) - Environment and Transportation.

Information Source(s): Baltimore City; Harford and Montgomery counties; Department of Public Safety and Correctional Services; Governor's Office of Crime Prevention, Youth, and Victim Services; Maryland Department of Health; Maryland Department of Transportation; Department of Legislative Services

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