

HOUSE BILL No. 5941

September 22, 2016, Introduced by Reps. Santana, Chang, Pagel, Guerra, Geiss, Hoadley, LaGrand, Moss, Wittenberg, Yanez, Robinson, Greig, Pagan, Love, Irwin, Hovey-Wright and Gay-Dagnogo and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 1 (MCL 28.291), as amended by 2012 PA 25, and by adding section 1b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) A person who is a resident of this state may apply
2 to the department of state for an official state personal
3 identification card. Upon application, the applicant shall supply a
4 photographic identity document, a birth certificate or other
5 nonphotographic identity document, and other sufficient documents
6 as the secretary of state may require to verify the identity and
7 citizenship of the applicant. ~~It~~ **EXCEPT AS PROVIDED IN SECTION 1B,**

1 **IF** an applicant for an official state personal identification card
2 is not a citizen of the United States, the applicant shall supply a
3 photographic identity document and other sufficient documents to
4 verify the identity of the applicant and the applicant's legal
5 presence in the United States under subsection (5). The documents
6 required under this subsection shall include the applicant's full
7 legal name, date of birth, address, and residency and demonstrate
8 that the applicant is a citizen of the United States or is legally
9 present in the United States. If the applicant's full legal name
10 differs from the name of the applicant that appears on a document
11 presented under this subsection, the applicant shall present
12 documents to verify his or her current full legal name. An
13 application for a state personal identification card shall be made
14 in a manner prescribed by the secretary of state and shall contain
15 the applicant's full legal name, date of birth, residence address,
16 height, sex, eye color, signature, intent to be an organ donor,
17 other information required or permitted on the official state
18 personal identification card and, only to the extent to comply with
19 federal law, the applicant's social security number. The applicant
20 may provide a mailing address if the applicant receives mail at an
21 address different from his or her residence address.

22 (2) The secretary of state shall accept as 1 of the
23 identification documents required under subsection (1) an
24 identification card issued by the department of corrections to
25 prisoners who are placed on parole or released from a correctional
26 facility, containing the prisoner's legal name, photograph, and
27 other information identifying the prisoner as provided in section

1 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

2 (3) The secretary of state shall have electronic access to
3 prisoner information maintained by the department of corrections
4 for the purpose of verifying the identity of a prisoner who applies
5 for an official state identification card under subsection (1).

6 (4) The secretary of state shall not issue an official state
7 personal identification card to a person who holds an operator's or
8 chauffeur's license issued under the Michigan vehicle code, 1949 PA
9 300, MCL 257.1 to 257.923, unless the license has been suspended,
10 revoked, or restricted.

11 (5) ~~If~~ **EXCEPT AS PROVIDED IN SECTION 1B, IF** the applicant is
12 not a citizen of the United States, the applicant shall provide,
13 and the department shall verify, documents demonstrating his or her
14 legal presence in the United States. Nothing in this act shall
15 obligate or be construed to obligate this state to comply with
16 title II of the real ID act of 2005, Public Law 109-13. The
17 secretary of state may adopt rules under the administrative
18 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
19 necessary for the administration of this subsection. A
20 determination by the secretary of state that an applicant is not
21 legally present in the United States may be appealed under section
22 631 of the revised judicature act of 1961, 1961 PA 236, MCL
23 600.631.

24 (6) The secretary of state shall not disclose a social
25 security number obtained under subsection (1) to another person
26 except for use for 1 or more of the following purposes:

27 (a) Compliance with 49 USC 31301 to 31317 and regulations and

1 rules related to this act.

2 (b) To carry out the purposes of section 466(a) of the social
3 security act, 42 USC 666, in connection with matters relating to
4 paternity, child support, or overdue child support.

5 (c) With the department of community health, for comparison
6 with vital records maintained by the department of community health
7 under part 28 of the public health code, 1978 PA 368, MCL 333.2801
8 to 333.2899.

9 (d) As otherwise required by law.

10 (7) The secretary of state shall not display a person's social
11 security number on the person's official state personal
12 identification card.

13 (8) A requirement under this section to include a social
14 security number on an application does not apply to an applicant
15 who demonstrates he or she is exempt under law from obtaining a
16 social security number.

17 (9) The secretary of state, with the approval of the state
18 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may
19 enter into agreements with the United States government to verify
20 whether an applicant for an official state personal identification
21 card under this section who is not a citizen of the United States
22 is authorized under federal law to be present in the United States.

23 (10) The secretary of state shall not issue an official state
24 personal identification card to a person holding an official state
25 personal identification card issued by another state without
26 confirmation that the person is terminating or has terminated the
27 official state personal identification card issued by the other

1 state.

2 (11) The secretary of state shall do all of the following:

3 (a) Ensure the physical security of locations where official
4 state personal identification cards are produced and the security
5 of document materials and papers from which official state personal
6 identification cards are produced.

7 (b) Subject all persons authorized to manufacture or produce
8 official state personal identification cards and all persons who
9 have the ability to affect the identity information that appears on
10 official state personal identification cards to appropriate
11 security clearance requirements. The security requirements of this
12 subdivision and subdivision (a) may require that official state
13 personal identification cards be manufactured or produced in this
14 state.

15 (c) Provide fraudulent document recognition programs to
16 department of state employees engaged in the issuance of official
17 state personal identification cards.

18 **SEC. 1B. (1) NOTWITHSTANDING SECTION 1, THE DEPARTMENT SHALL**
19 **ISSUE AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD TO AN**
20 **APPLICANT WHO IS UNABLE TO SUBMIT SUFFICIENT DOCUMENTS TO VERIFY**
21 **HIS OR HER IDENTITY AND LEGAL PRESENCE IN THE UNITED STATES AS**
22 **REQUIRED UNDER SECTION 1 OR WHO CHOOSES NOT TO OBTAIN AN OFFICIAL**
23 **STATE PERSONAL IDENTIFICATION CARD THAT MEETS THE CRITERIA UNDER**
24 **THE REAL ID ACT OF 2005, PUBLIC LAW 109-13, IF THE APPLICANT**
25 **SATISFIES ALL OTHER REQUIREMENTS OF THIS SECTION, THE REQUIREMENTS**
26 **OF SECTION 1 OTHER THAN LEGAL PRESENCE IN THE UNITED STATES, AND**
27 **THE RULES PROMULGATED BY THE DEPARTMENT UNDER SUBSECTION (2).**

1 (2) THE DEPARTMENT SHALL, IN CONSULTATION WITH APPROPRIATE
2 INTERESTED PARTIES, INCLUDING, BUT NOT LIMITED TO, LAW ENFORCEMENT
3 AND IMMIGRANTS' RIGHTS REPRESENTATIVES, PROMULGATE RULES UNDER THE
4 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
5 24.328, FOR ALL OF THE FOLLOWING PURPOSES:

6 (A) IDENTIFYING DOCUMENTS THAT ARE ACCEPTABLE TO THE
7 DEPARTMENT FOR THE PURPOSE OF PROVING IDENTITY OR MICHIGAN
8 RESIDENCY, SUBJECT TO SUBSECTION (3).

9 (B) ESTABLISHING PROCEDURES FOR VERIFYING THE AUTHENTICITY OF
10 THE DOCUMENTS DESCRIBED IN SUBDIVISION (A).

11 (C) ISSUING A TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION
12 CARD PENDING THE VERIFICATION OF ANY DOCUMENT'S AUTHENTICITY.

13 (D) ESTABLISHING A HEARING PROCESS FOR AN APPLICANT TO APPEAL
14 THE DENIAL OF AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD OR
15 TEMPORARY OFFICIAL STATE PERSONAL IDENTIFICATION CARD UNDER THIS
16 SECTION.

17 (3) ACCEPTABLE DOCUMENTS FOR PURPOSES OF PROVING IDENTITY OR
18 MICHIGAN RESIDENCY SHALL INCLUDE, BUT ARE NOT LIMITED TO, ALL OF
19 THE FOLLOWING:

20 (A) A VALID UNEXPIRED CONSULAR IDENTIFICATION DOCUMENT ISSUED
21 BY A CONSULATE FROM THE APPLICANT'S COUNTRY OF CITIZENSHIP OR A
22 VALID UNEXPIRED PASSPORT FROM THE APPLICANT'S COUNTRY OF
23 CITIZENSHIP.

24 (B) AN ORIGINAL BIRTH CERTIFICATE OR OTHER PROOF OF AGE. IF AN
25 ORIGINAL BIRTH CERTIFICATE IS IN A LANGUAGE OTHER THAN ENGLISH, THE
26 APPLICANT SHALL PROVIDE A CERTIFIED TRANSLATION OF THE BIRTH
27 CERTIFICATE.

1 (C) A HOME UTILITY BILL, LEASE OR RENTAL AGREEMENT, OR OTHER
2 PROOF OF MICHIGAN RESIDENCE.

3 (D) ONE OR MORE OF THE FOLLOWING DOCUMENTS WHICH, IF IN A
4 LANGUAGE OTHER THAN ENGLISH, SHALL BE ACCOMPANIED BY A CERTIFIED
5 TRANSLATION OR AN AFFIDAVIT OF TRANSLATION INTO ENGLISH:

6 (i) A MARRIAGE LICENSE OR DIVORCE CERTIFICATE.

7 (ii) A FOREIGN FEDERAL ELECTORAL PHOTO CARD ISSUED ON OR AFTER
8 JANUARY 1, 1991.

9 (iii) A FOREIGN DRIVER LICENSE.

10 (E) A RECEIPT FOR A UNITED STATES DEPARTMENT OF HOMELAND
11 SECURITY FORM I-589, APPLICATION FOR ASYLUM AND FOR WITHHOLDING OR
12 REMOVAL.

13 (F) AN OFFICIAL SCHOOL OR COLLEGE TRANSCRIPT THAT INCLUDES THE
14 APPLICANT'S DATE OF BIRTH, OR A FOREIGN SCHOOL RECORD THAT BEARS AN
15 OFFICIAL SEAL AND INCLUDES A PHOTOGRAPH OF THE APPLICANT AT THE AGE
16 THE RECORD WAS ISSUED.

17 (G) A UNITED STATES DEPARTMENT OF HOMELAND SECURITY FORM I-20
18 OR FORM DS-2019.

19 (H) A DEED OR TITLE TO REAL PROPERTY.

20 (I) A PROPERTY TAX BILL OR STATEMENT ISSUED WITHIN THE 12
21 MONTHS PRECEDING THE DATE OF APPLICATION.

22 (J) AN INCOME TAX RETURN.

23 (4) AN OFFICIAL STATE PERSONAL IDENTIFICATION CARD ISSUED
24 UNDER THIS SECTION, INCLUDING A TEMPORARY OFFICIAL STATE PERSONAL
25 IDENTIFICATION CARD, SHALL INCLUDE A RECOGNIZABLE FEATURE ON THE
26 FRONT OF THE CARD INDICATING THAT IT IS NOT VALID FOR OFFICIAL
27 FEDERAL PURPOSES, AND SHALL ALSO CONTAIN AN INDICATION THAT THE

1 CARD IS NOT VALID FOR OFFICIAL FEDERAL PURPOSES IN ELECTRONIC OR
2 MACHINE-READABLE CODES.

3 (5) A PERSON SHALL NOT DISCRIMINATE AGAINST AN INDIVIDUAL
4 BECAUSE THAT INDIVIDUAL HOLDS OR PRESENTS AN OFFICIAL STATE
5 PERSONAL IDENTIFICATION CARD OR A TEMPORARY OFFICIAL STATE PERSONAL
6 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

7 (6) A POLICE OFFICER SHALL NOT DETAIN, ARREST, PENALIZE, OR
8 DISCRIMINATE AGAINST AN INDIVIDUAL BASED SOLELY ON THAT
9 INDIVIDUAL'S PRESENTATION OF AN OFFICIAL STATE PERSONAL
10 IDENTIFICATION CARD OR A TEMPORARY OFFICIAL STATE PERSONAL
11 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

12 (7) EXCEPT WHEN NECESSARY TO COMPLY WITH A JUDICIALLY ISSUED
13 WARRANT OR SUBPOENA, INFORMATION COLLECTED UNDER THIS SECTION IS
14 NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT,
15 1976 PA 442, MCL 15.231 TO 15.246.

16 (8) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, INFORMATION
17 REGARDING AN APPLICANT'S SOCIAL SECURITY NUMBER OR INELIGIBILITY
18 FOR A SOCIAL SECURITY NUMBER OBTAINED BY THE DEPARTMENT UNDER THIS
19 SECTION IS NOT SUBJECT TO DISCLOSURE UNDER THE FREEDOM OF
20 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.

21 (9) AS USED IN THIS SECTION:

22 (A) "MICHIGAN RESIDENCY" MEANS THAT AN INDIVIDUAL MAINTAINS A
23 SETTLED HOME OR DOMICILE IN THIS STATE AT WHICH THE INDIVIDUAL
24 RESIDES AND THAT MEETS THE DEFINITION OF RESIDENCE AS DEFINED IN
25 SECTION 11 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.11,
26 EXCEPT FOR A TEMPORARY ABSENCE. MICHIGAN RESIDENCY DOES NOT REQUIRE
27 THAT THE INDIVIDUAL BE A UNITED STATES CITIZEN OR LAWFULLY PRESENT

1 IN THE UNITED STATES.

2 (B) "PERSON" MEANS THAT TERM AS DEFINED IN SECTION 40 OF THE
3 MICHIGAN VEHICLE CODE, 1949 PA 300, MCL 257.40.