

Legislative Analysis



DRIVER'S LICENSE OR STATE ID CARD FOR PRISONERS BEING RELEASED ON PAROLE OR DISCHARGED

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4191 as introduced
Sponsor: Rep. Abraham Aiyash

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4192 as introduced
Sponsor: Rep. Felicia Brabec

House Bill 4193 as introduced
Sponsor: Rep. Kimberly Edwards

House Bill 4194 as introduced
Sponsor: Rep. Mike McFall

Committee: Criminal Justice
Complete to 3-17-23

SUMMARY:

House Bills 4191 to 4194 would amend different acts to require the Department of Corrections to apply for a driver's license or state personal ID card on behalf of a prisoner who is scheduled to be released from prison and to provide procedures for the secretary of state to follow in processing and, if applicable, issuing and delivering the license or card. The Department of Corrections would have to give the license or card to individuals when they are released on parole or discharged after completing their maximum sentence. As described in **Fiscal Impact**, below, the bills would codify current procedures followed by the Department of Corrections and secretary of state for providing state personal ID cards or driver's licenses to offenders upon their release from prison.

House Bill 4192 would amend the Corrections Code, which now requires the Department of Corrections, by contract or otherwise, to assist prisoners with reentry into the community by assisting and (subject to security needs) reasonably allowing them to obtain a Social Security card or Social Security number verification, if possible, as well as identification documents that, combined with a prisoner ID card, will satisfy application requirements for obtaining a driver's license or state ID card. The bill would change "reasonably allowing" to "assisting" in these provisions.

The bill also would add that the Department of Corrections, by contract or otherwise, must assist a prisoner with reentry into the community by doing both of the following at least 60 days before the prisoner is scheduled to be released on parole:

- Collecting application documents, to the extent possible, and a photograph of the prisoner required for a driver's license or state ID card.
- Sending the secretary of state those documents, the photograph, and the projected date the prisoner will be released on parole.

At the time an individual is released on parole, the Department of Corrections would have to provide the individual with any driver's license or state ID card received from an application made as described above.

MCL 791.234c

House Bills 4191 and 4193 would respectively amend the Michigan Vehicle Code and 1972 PA 222 (known as the official state personal identification card act) to provide procedures for the secretary of state to follow in processing an application made under HB 4192 for a driver's license or state ID card, as applicable.

Under the bills, beginning October 1, 2023, upon receiving from the Department of Corrections the requisite application documents, a prisoner's photograph, and the projected date the prisoner will be released on parole or discharged upon completion of their maximum sentence, the secretary of state, to the extent possible, would have to issue the prisoner a driver's license or state ID card if the prisoner is eligible. The secretary of state would have to deliver the license or card to the Department of Corrections before the projected date or, if the secretary of state could not do so and the prisoner was already released on parole or discharged, mail the license or card as soon as possible to the Department of Corrections.

HB 4191 (driver's licenses): MCL 257.307

HB 4193 (state ID cards): MCL 28.291

House Bill 4194 would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to update a reference to a provision of 1972 PA 222 that would be renumbered by HB 4193.

MCL 28.305

House Bills 4191, 4192, and 4193 are all tie-barred to one another, which means that none of those bills can take effect unless all three of them are enacted. In addition, House Bill 4194 is tie-barred to HB 4193 and cannot take effect unless both bills are enacted.

FISCAL IMPACT:

House Bills 4191, 4192, and 4193 would have no new fiscal impact on the state or on local units of government. The bills would codify current procedures followed by the Department of Corrections and the secretary of state for providing state personal ID cards or driver's licenses to offenders upon their release from prison. The bills would ensure that the process agreed to between the two departments continues into the future.

The Department of Corrections has worked closely with the secretary of state over the past few years to develop and implement the program currently in place for issuing ID cards or driver's licenses. The program was created in the spring of 2020 and launched in the fall of 2020. The focus of the program is to issue driver's licenses to eligible offenders. If offenders are not eligible for driver's licenses, they are issued state personal ID cards.

The Department of Corrections employs 19 employment counselors around the state who spend between 60% and 70% of their time working on obtaining vital documents for offenders, and three staff at headquarters that work full-time on obtaining vital documents. These staff assist offenders who are nearing their release dates with obtaining birth certificates, Social Security cards, state personal ID cards, and driver's licenses. They assist offenders with completing various applications and take photographs of offenders for their ID cards/licenses.

According to the Department of Corrections, 381 ID cards/licenses were secured for offenders in 2019, 715 were secured in 2020, 4,831 were secured in 2021, and 5,939 were secured in 2022. The department's goal is to secure ID cards or driver's licenses for 95% of offenders being released from prison. The department cannot reach a goal of 100% because there are times when offenders refuse the assistance or leave the Michigan correctional system to enter correctional systems in other states, or when obtaining necessary paperwork for offenders from other states is delayed.

The Department of Corrections incurs costs for obtaining state personal ID cards and driver's licenses. The department pays the same amount as the public pays for obtaining these vital documents. The department also makes an annual payment of \$100,000 to the secretary of state to support secretary of state staff involved in the process. Costs have been considered operational costs and have been covered by existing appropriations within the Department of Corrections budget for operations, as the department has never received a direct appropriation for this purpose.

House Bill 4194 would have no fiscal impact on the state or on local units of government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.