

SENATE BILL 802

E4, R4

71r2782

By: **Senator Pugh**

Introduced and read first time: February 16, 2007

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Released Inmates – Identification Card Pilot Program**

3 FOR the purpose of requiring the Motor Vehicle Administration and the Department
4 of Health and Mental Hygiene to adopt regulations for and establish a pilot
5 program to provide certain identification cards to certain individuals released
6 from correctional facilities in the State; requiring the regulations to establish a
7 fee for the issuance of the identification card; establishing certain exceptions to
8 the fee requirement; prohibiting a person from committing a fraud in applying
9 for the identification card; prohibiting a person from committing a
10 misrepresentation in applying for the identification card; prohibiting a person
11 from committing a fraud in using the identification card; requiring the
12 identification card to be of a size and design required by the regulations;
13 requiring the identification card to contain certain information; establishing
14 that the identification card may be used as legal identification for any purpose
15 by the person to whom the card was issued; establishing that the identification
16 card expires after a certain time period; requiring an identification card issued
17 under this Act to be surrendered to the Administration under certain
18 circumstances; authorizing the Administration to cancel an identification card
19 issued under this Act under certain circumstances; requiring the
20 Administration and the Department to adopt and publish certain regulations by
21 a certain date; requiring the Administration and the Department to have the
22 pilot program operational by a certain date; requiring the Administration and
23 the Department to report to the General Assembly on or before a certain date
24 on the results of the pilot program; and generally relating to a pilot program to
25 provide identification cards to certain individuals released from correctional
26 facilities in the State.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Transportation
3 Section 12–302
4 Annotated Code of Maryland
5 (2006 Replacement Volume and 2006 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Transportation**

9 **12–302.**

10 (A) THE ADMINISTRATION AND THE DEPARTMENT OF HEALTH AND
11 MENTAL HYGIENE SHALL ADOPT REGULATIONS FOR AND ESTABLISH A PILOT
12 PROGRAM TO PROVIDE IDENTIFICATION CARDS TO ANY INDIVIDUAL WHO:

13 (1) WAS RELEASED WITHIN THE PREVIOUS YEAR FROM
14 CONFINEMENT AS AN INMATE IN A CORRECTIONAL FACILITY IN THE STATE;

15 (2) IS A RESIDENT OF THE STATE;

16 (3) PRESENTS AUTHORIZATION TO USE THE ADDRESS OF A LOCAL
17 NONPROFIT ORGANIZATION APPROVED UNDER THE REGULATIONS ADOPTED
18 FOR THE PILOT PROGRAM;

19 (4) DOES NOT HAVE A DRIVER’S LICENSE OR AN IDENTIFICATION
20 CARD ISSUED IN ACCORDANCE WITH § 12–301 OF THIS SUBTITLE;

21 (5) PRESENTS A BIRTH CERTIFICATE OR OTHER PROOF OF AGE
22 AND IDENTITY ACCEPTABLE TO THE ADMINISTRATION UNDER THE
23 REGULATIONS ADOPTED FOR THE PILOT PROGRAM; AND

24 (6) PRESENTS A COMPLETED APPLICATION FOR AN
25 IDENTIFICATION CARD ON A FORM FURNISHED BY THE ADMINISTRATION.

26 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE
27 REGULATIONS ADOPTED UNDER THIS SECTION SHALL ESTABLISH A FEE FOR
28 THE ISSUANCE OF AN IDENTIFICATION CARD OR A DUPLICATE IDENTIFICATION

1 CARD UNDER THIS SECTION TO BE PAID BY PARTICIPANTS IN THE PILOT
2 PROGRAM.

3 (2) THE PILOT PROGRAM MAY NOT REQUIRE AN APPLICANT FOR
4 AN IDENTIFICATION CARD UNDER THIS SECTION TO PAY A FEE IF THE
5 APPLICANT:

6 (I) IS 65 YEARS OLD OR OLDER;

7 (II) IS LEGALLY BLIND;

8 (III) HAS PERMANENTLY LOST THE USE OF A LEG OR AN
9 ARM;

10 (IV) IS PERMANENTLY DISABLED SO SEVERELY THAT THE
11 APPLICANT CANNOT MOVE WITHOUT THE AID OF CRUTCHES OR A WHEELCHAIR;
12 OR

13 (V) HAS A PHYSICAL OR MENTAL IMPAIRMENT THAT
14 SUBSTANTIALLY LIMITS A "MAJOR LIFE ACTIVITY" AS DEFINED IN THE FEDERAL
15 AMERICANS WITH DISABILITIES ACT.

16 (C) A PERSON MAY NOT COMMIT A FRAUD IN APPLYING FOR AN
17 IDENTIFICATION CARD UNDER THIS SECTION.

18 (D) A PERSON MAY NOT COMMIT A MISREPRESENTATION IN APPLYING
19 FOR AN IDENTIFICATION CARD UNDER THIS SECTION.

20 (E) A PERSON MAY NOT COMMIT A FRAUD IN USING AN IDENTIFICATION
21 CARD ISSUED UNDER THIS SECTION.

22 (F) A PERSON MAY NOT MAKE A MISREPRESENTATION IN USING AN
23 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

24 (G) (1) AN IDENTIFICATION CARD SHALL BE OF THE SIZE AND DESIGN
25 REQUIRED BY THE REGULATIONS ADOPTED FOR THE PILOT PROGRAM.

26 (2) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION
27 SHALL CONTAIN:

- 1 **(I) THE NAME OF THE APPLICANT;**
- 2 **(II) THE ADDRESS THAT HAS BEEN APPROVED FOR USE BY**
3 **THE APPLICANT;**
- 4 **(III) THE BIRTH DATE OF THE APPLICANT;**
- 5 **(IV) THE SEX OF THE APPLICANT;**
- 6 **(V) A PHYSICAL DESCRIPTION OF THE APPLICANT;**
- 7 **(VI) A COLOR PHOTOGRAPH OF THE APPLICANT TAKEN BY**
8 **THE PROCEDURE THAT THE ADMINISTRATION REQUIRES;**
- 9 **(VII) THE EXPIRATION DATE OF THE IDENTIFICATION CARD;**
- 10 **(VIII) THE SIGNATURE OF THE APPLICANT; AND**
- 11 **(IX) THE SIGNATURE AND SEAL OF THE ISSUING AGENT.**

12 **(H) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION MAY BE**
13 **USED AS LEGAL IDENTIFICATION OF THE INDIVIDUAL TO WHOM IT IS ISSUED**
14 **FOR ANY PURPOSE.**

15 **(I) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION EXPIRES**
16 **1 YEAR FROM THE DATE OF ISSUANCE.**

17 **(J) THE HOLDER OF AN IDENTIFICATION CARD ISSUED UNDER THIS**
18 **SECTION SHALL SURRENDER THE CARD TO THE ADMINISTRATION IF:**

19 **(1) THE HOLDER IS ISSUED A MARYLAND DRIVER'S LICENSE OR**
20 **AN IDENTIFICATION CARD DESCRIBED IN § 12-301 OF THIS SUBTITLE;**

21 **(2) THE HOLDER IS NO LONGER AUTHORIZED TO USE THE**
22 **ADDRESS NOTED ON THE IDENTIFICATION CARD; OR**

23 **(3) THE IDENTIFICATION CARD IS CANCELED BY THE**
24 **ADMINISTRATION OR EXPIRES.**

1 **(K) THE ADMINISTRATION MAY CANCEL AN IDENTIFICATION CARD**
2 **ISSUED UNDER THIS SECTION IF THE ADMINISTRATION DETERMINES THAT THE**
3 **HOLDER OF THE IDENTIFICATION CARD:**

4 **(1) WAS NOT ENTITLED TO BE ISSUED THE IDENTIFICATION**
5 **CARD;**

6 **(2) FAILED TO PROVIDE ACCURATE OR REQUIRED INFORMATION**
7 **IN THE APPLICATION FOR THE IDENTIFICATION CARD;**

8 **(3) FRAUDULENTLY APPLIED FOR OR OBTAINED THE**
9 **IDENTIFICATION CARD; OR**

10 **(4) IS OTHERWISE IN VIOLATION OF SUBSECTION (C), (D), (E), OR**
11 **(F) OF THIS SECTION.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That, by December 1, 2007,
13 the Motor Vehicle Administration and the Department of Health and Mental Hygiene
14 shall adopt and publish the regulations for the identification card pilot program
15 established under this Act, and shall have the pilot program operational by January 1,
16 2008.

17 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1,
18 2009, the Motor Vehicle Administration and the Department of Health and Mental
19 Hygiene shall report to the General Assembly, in accordance with § 2-1246 of the
20 State Government Article, on the results of the identification card pilot program
21 established under this Act.

22 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2007.