

SENATE BILL 802

E4, R4

71r2782

By: **Senator Pugh**

Introduced and read first time: February 16, 2007

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 22, 2007

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: April 2, 2007

CHAPTER _____

1 AN ACT concerning

2 **Baltimore City – 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 in Baltimore City to provide certain identification cards to certain
6 individuals released from correctional facilities in ~~the State~~ Baltimore City;
7 ~~requiring the regulations to establish a fee for the issuance of the identification~~
8 ~~card; establishing certain exceptions to the fee requirement;~~ prohibiting a
9 person from committing a fraud in applying for the identification card;
10 prohibiting a person from committing a misrepresentation in applying for the
11 identification card; prohibiting a person from committing a fraud in using the
12 identification card; ~~requiring the identification card to be of a size and design~~
13 ~~required by the regulations; requiring the identification card to contain certain~~
14 ~~information; establishing that the identification card may be used as legal~~
15 ~~identification for any purpose by the person to whom the card was issued;~~
16 ~~establishing that the identification card expires after a certain time period;~~
17 ~~requiring an identification card issued under this Act to be surrendered to the~~
18 ~~Administration under certain circumstances;~~ authorizing the Administration to
19 cancel an identification card issued under this Act under certain circumstances;
20 requiring the Administration and the Department to adopt and publish certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 regulations by a certain date; requiring the Administration and the Department
 2 to have the pilot program operational by a certain date; requiring the
 3 Administration and the Department to report to the General Assembly on or
 4 before a certain date on the results of the pilot program; and generally relating
 5 to a pilot program to provide identification cards to certain individuals released
 6 from correctional facilities in ~~the State~~ Baltimore City.

7 BY adding to

8 Article – Transportation

9 Section 12-302

10 Annotated Code of Maryland

11 (2006 Replacement Volume and 2006 Supplement)

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

14 **Article – Transportation**

15 **12-302.**

16 (A) THE ADMINISTRATION AND THE DEPARTMENT OF HEALTH AND
 17 MENTAL HYGIENE SHALL ADOPT REGULATIONS FOR AND ESTABLISH A PILOT
 18 PROGRAM IN BALTIMORE CITY TO PROVIDE IDENTIFICATION CARDS TO ANY
 19 INDIVIDUAL WHO:

20 (1) WAS RELEASED WITHIN THE PREVIOUS YEAR FROM
 21 CONFINEMENT AS AN INMATE IN A CORRECTIONAL FACILITY IN BALTIMORE
 22 CITY ~~THE STATE~~;

23 (2) IS A RESIDENT OF THE STATE;

24 ~~(3) PRESENTS AUTHORIZATION TO USE THE ADDRESS OF A LOCAL~~
 25 ~~NONPROFIT ORGANIZATION APPROVED UNDER THE REGULATIONS ADOPTED~~
 26 ~~FOR THE PILOT PROGRAM;~~

27 ~~(4) DOES NOT HAVE A DRIVER'S LICENSE OR AN IDENTIFICATION~~
 28 ~~CARD ISSUED IN ACCORDANCE WITH § 12-301 OF THIS SUBTITLE;~~

29 ~~(5)~~ (3) PRESENTS A BIRTH CERTIFICATE OR OTHER PROOF OF
 30 AGE AND IDENTITY ACCEPTABLE TO THE ADMINISTRATION UNDER THE
 31 REGULATIONS ADOPTED FOR THE PILOT PROGRAM; AND

1 ~~(6)~~ (4) PRESENTS A COMPLETED APPLICATION FOR AN
2 IDENTIFICATION CARD ON A FORM FURNISHED BY THE ADMINISTRATION.

3 ~~(B)~~ (1) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~
4 ~~REGULATIONS ADOPTED UNDER THIS SECTION SHALL ESTABLISH A FEE FOR~~
5 ~~THE ISSUANCE OF AN IDENTIFICATION CARD OR A DUPLICATE IDENTIFICATION~~
6 ~~CARD UNDER THIS SECTION TO BE PAID BY PARTICIPANTS IN THE PILOT~~
7 ~~PROGRAM.~~

8 ~~(2)~~ ~~THE PILOT PROGRAM MAY NOT REQUIRE AN APPLICANT FOR~~
9 ~~AN IDENTIFICATION CARD UNDER THIS SECTION TO PAY A FEE IF THE~~
10 ~~APPLICANT:~~

11 ~~(I)~~ ~~IS 65 YEARS OLD OR OLDER;~~

12 ~~(H)~~ ~~IS LEGALLY BLIND;~~

13 ~~(III)~~ ~~HAS PERMANENTLY LOST THE USE OF A LEG OR AN~~
14 ~~ARM;~~

15 ~~(IV)~~ ~~IS PERMANENTLY DISABLED SO SEVERELY THAT THE~~
16 ~~APPLICANT CANNOT MOVE WITHOUT THE AID OF CRUTCHES OR A WHEELCHAIR;~~
17 ~~OR~~

18 ~~(V)~~ ~~HAS A PHYSICAL OR MENTAL IMPAIRMENT THAT~~
19 ~~SUBSTANTIALLY LIMITS A "MAJOR LIFE ACTIVITY" AS DEFINED IN THE FEDERAL~~
20 ~~AMERICANS WITH DISABILITIES ACT.~~

21 ~~(C)~~ (B) A PERSON MAY NOT COMMIT A FRAUD IN APPLYING FOR AN
22 IDENTIFICATION CARD UNDER THIS SECTION.

23 ~~(D)~~ (C) A PERSON MAY NOT COMMIT A MISREPRESENTATION IN
24 APPLYING FOR AN IDENTIFICATION CARD UNDER THIS SECTION.

25 ~~(E)~~ (D) A PERSON MAY NOT COMMIT A FRAUD IN USING AN
26 IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

27 ~~(F)~~ (E) A PERSON MAY NOT MAKE A MISREPRESENTATION IN USING
28 AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION.

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

3 ~~(2)~~ AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION
 4 SHALL CONTAIN:

5 ~~(I)~~ (1) THE NAME OF THE APPLICANT;

6 ~~(II)~~ (2) THE ADDRESS THAT HAS BEEN APPROVED FOR
 7 USE BY THE APPLICANT;

8 ~~(III)~~ (3) THE BIRTH DATE OF THE APPLICANT;

9 ~~(IV)~~ (4) THE SEX OF THE APPLICANT;

10 ~~(V)~~ (5) A PHYSICAL DESCRIPTION OF THE APPLICANT;

11 ~~(VI)~~ (6) A COLOR PHOTOGRAPH OF THE APPLICANT
 12 TAKEN BY THE PROCEDURE THAT THE ADMINISTRATION REQUIRES;

13 ~~(VII)~~ (7) THE EXPIRATION DATE OF THE IDENTIFICATION
 14 CARD;

15 ~~(VIII)~~ (8) THE SIGNATURE OF THE APPLICANT; AND

16 ~~(IX)~~ (9) THE SIGNATURE AND SEAL OF THE ISSUING
 17 AGENT.

18 ~~(H) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION MAY BE~~
 19 ~~USED AS LEGAL IDENTIFICATION OF THE INDIVIDUAL TO WHOM IT IS ISSUED~~
 20 ~~FOR ANY PURPOSE.~~

21 ~~(I) AN IDENTIFICATION CARD ISSUED UNDER THIS SECTION EXPIRES~~
 22 ~~1 YEAR FROM THE DATE OF ISSUANCE.~~

23 ~~(J) THE HOLDER OF AN IDENTIFICATION CARD ISSUED UNDER THIS~~
 24 ~~SECTION SHALL SURRENDER THE CARD TO THE ADMINISTRATION IF:~~

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

3 ~~(2) THE HOLDER IS NO LONGER AUTHORIZED TO USE THE~~
4 ~~ADDRESS NOTED ON THE IDENTIFICATION CARD; OR~~

5 ~~(3) THE IDENTIFICATION CARD IS CANCELED BY THE~~
6 ~~ADMINISTRATION OR EXPIRES.~~

7 **(K) (H) THE ADMINISTRATION MAY CANCEL AN IDENTIFICATION**
8 **CARD ISSUED UNDER THIS SECTION IF THE ADMINISTRATION DETERMINES**
9 **THAT THE HOLDER OF THE IDENTIFICATION CARD:**

10 **(1) WAS NOT ENTITLED TO BE ISSUED THE IDENTIFICATION**
11 **CARD;**

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

14 **(3) FRAUDULENTLY APPLIED FOR OR OBTAINED THE**
15 **IDENTIFICATION CARD; OR**

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

18 SECTION 2. AND BE IT FURTHER ENACTED, That, by December 1, 2007,
19 the Motor Vehicle Administration and the Department of Health and Mental Hygiene
20 shall adopt and publish the regulations for the identification card pilot program
21 established under this Act, and shall have the pilot program operational by January 1,
22 2008.

23 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1,
24 2009, the Motor Vehicle Administration and the Department of Health and Mental
25 Hygiene shall report to the General Assembly, in accordance with § 2-1246 of the
26 State Government Article, on the results of the identification card pilot program
27 established under this Act.

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