

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 186

(Senator Pugh, *et al.*)

Judicial Proceedings

Judiciary

Correctional Facilities - Released Inmates - Identification Cards

This bill requires the Commissioner of Correction to issue an identification card to an inmate before being released from confinement in a State correctional facility. The identification card must comply with the requirements for secondary identification for the purpose of an identification card issued by the Motor Vehicle Administration (MVA).

Fiscal Summary

State Effect: None. This bill codifies current practice, including a pilot program operating under a Memorandum of Understanding between the Division of Correction (DOC) and MVA.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: On application, MVA must issue an identification card to any individual who:

- is a State resident;
- does not have a driver's license;

- presents a birth certificate or other proof of age and identity acceptable to MVA; and
- presents a completed application for an identification card on a form furnished by MVA.

An MVA issued ID card costs \$15 (good for five years) if the applicant is over 16 years old, and \$5 if under 16 (good for two years). A fee is not required if the applicant for the card:

- is 65 years old or older;
- is legally blind;
- has permanently lost the use of a leg or an arm;
- is permanently disabled so severely that the applicant cannot move without the aid of crutches or a wheelchair; or
- has a physical or mental impairment that substantially limits a “major life activity” as defined in the federal Americans with Disabilities Act.

Under provisions of the Correctional Services Article, the term “inmate” means an individual who is actually or constructively detained or confined in a correctional facility. Annually, DOC releases approximately 15,000 inmates statewide from incarceration.

Background: In a November 24, 2008 *Joint Chairmen’s Report on the Provisions of Re-Entry Services to Inmates*, the Department of Public Safety and Correctional Services (DPSCS) advised that an important component of inmate release planning is DOC’s role in facilitating and expediting the provision of personal identification documents prior to release. To this end, DOC has begun inter- and intra-agency planning and collaboration on this issue.

Under the federal REAL ID Act of 2005, MVA’s ID requirements make it necessary for the person to have multiple primary and/or secondary documentation which helps in deterring the issuance of fraudulent ID cards. MVA will issue a photographic identification card for inmate’s nearing a release date upon confirmation of the applicant’s identity via: (1) two “primary” sources of identification (*e.g.*, birth certificate and Social Security card), or one primary plus two “secondary” sources of identification; and (2) two “proofs” of Maryland residence, plus payment of a \$15 to 20 fee. MVA has already enacted COMAR regulations to this effect.

DOC has upgraded its technology for providing inmates with identification cards that are acceptable to MVA as a secondary source of identification for the MVA ID card, thus creating an additional option for inmates.

DOC has maintained individual memoranda of understanding (MOU) with MVA, the Division of Vital Records (DVR), and the Social Security Administration (SSA) detailing the processes relating to inmates obtaining identification documents while still incarcerated. The MOU permit DOC case managers, after consulting with an inmate, to submit the necessary applications to an appropriate outside government agency. Three new agreements with these agencies, presently in different stages of review and implementation, will permit DOC to consolidate these applications into batch orders, thereby improving the division's capacity to track applications and receive identification documents from SSA, DVR, and MVA.

DOC has newly assigned a coordinator at each State correctional facility to manage all personal ID document applications. The coordinator meets with groups of inmates prior to their projected release date to assist in the completion of document applications. The process will be standardized for all correctional facilities, thus enhancing the consistency and efficiency of completing applications, which should result in more inmates obtaining documentation than in previous years.

In addition to its general assistance to inmates in obtaining the primary documents for an MVA identification card, DOC and MVA have entered into a MOU to provide a mobile MVA service vehicle to visit the Brockbridge Correctional Facility (BCF). BCF serves as the central point for inmate release for the six Maryland Correctional Pre-Release System's facilities.

Each month, inmates are processed prior to release from the six facilities for the MVA identification cards. The pilot project's first group of 27 inmates was processed in October 2008. Currently, an MVA mobile unit goes to each DOC correctional facility in Jessup to process 30 to 35 offenders for a Maryland ID card. This number of inmates represents the number of inmates that DOC anticipates will not otherwise have access to an ID card prior to release. The pilot program will continue for a nine-month period, with an expansion of the project to include two other locations before the end of calendar 2009. Under terms of this MOU for the pilot program, DOC will reimburse MVA \$1 for each ID card processed, with an annual cost to DOC of about \$1,800 in currently budgeted funds. There is no charge to the inmates for these cards.

Additional Information: DVR is the source for copies of birth certificates, but these require payment of a \$12 fee, and DOC advises that inmates have often been unable pay the fee due to lack of personal funds. However, in August 2008, DPSCS arranged with DVR to pay for the necessary birth certificates. To date, the policy to provide these payments is being developed and is expected to be implemented in the near future. DOC also reports that there has been little difficulty with the provision of duplicate Social Security cards by SSA.

Additional Information

Prior Introductions: SB0446 LR1406 2008 JPR

Cross File: None.

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