
January 21, 2020

The Honorable William C. Smith, Jr.
Chair, Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis MD 21401

***Re: Letter of Information – Senate Bill 77 – Identification Cards and Driver’s License
Renewals – Inmates***

Dear Chairman Smith and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 77, but would like to offer the following comments for the committee’s consideration.

Senate Bill 77 requires the MDOT Motor Vehicle Administration (MDOT MVA) to issue an identification (ID) card to an inmate before release from a correctional facility, and further specifies that the ID card be issued in accord with existing statutory provisions for a state ID card under TR §12–301. The requirements for a state ID card set out in Maryland law meet the federal REAL ID standards, and include: documentary proof of age and identity, lawful status, and social security number. This would create several conflicts with the federal REAL ID Act.

MDOT MVA recognizes and appreciates the importance of a valid form of identification to a newly released individual, which is why MDOT MVA and the Department of Public Safety and Correctional Services (DPSCS) currently have an active, successful program that assists inmates in securing Maryland ID cards, which are federally compliant with REAL ID, before release. MDOT MVA’s inmate outreach procedures have been carefully crafted to comply with Maryland and federal laws for REAL ID, and since FY2012 have resulted in 11,825 inmates obtaining identification before release; and another 8,254 within 90 days following release.

Under the existing program, DPSCS staff assist inmates scheduled for release within 60 days with securing the required REAL ID supporting documents and deliver the application and supporting documents to MDOT MVA for processing. The new or replacement ID and documents are transferred to DPSCS staff and issued to the inmate upon their release. MDOT MVA also offers direct on-site assistance facilitating ID card applications in county detention centers in every county in the State and in federal facilities. Individuals may also visit a MDOT MVA branch within 90 days of release to receive an ID for \$1. However, under Senate Bill 77, if an inmate applicant for a Maryland ID card, despite the assistance of MDOT MVA and DPSCS, is nevertheless unable to satisfy the document requirements for an ID, it is unclear how MDOT MVA would reconcile the mandate that an ID card must be issued with the inability to produce documents required by state and federal law.

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Senate Bill 77 additionally provides that a driver's license held by an inmate remain "in full force and effect" during an inmate's confinement. This would establish a requirement under which certain licenses would remain valid for an undefined period of time. Federal regulations (6 C.F.R. § 37.5) provide that the validity period for REAL ID driver's licenses and ID cards may not exceed eight (8) years, and Maryland law currently reflects this requirement. In 2019, Maryland's REAL ID program was the first in the nation to be recertified by the Department of Homeland Security, affirming that all federal requirements for REAL ID were being met by MDOT MVA. It is unclear how MDOT MVA would reconcile the requirement to indefinitely retain the validity of an inmate's driver's license, with current limitations in state and federal law.

Senate Bill 77 further requires that an inmate's driver's license be renewed upon release. Under Maryland law, a driver's license may be renewed up to one year *after expiration* with no additional requirements. After the driver's license has been expired for over one year, the driver must re-take and pass the road and knowledge test in order to re-gain licensure. This one-year limit is a safety measure which ensures that drivers are prepared to safely operate a vehicle on Maryland roadways. As a consequence of the requirement to renew or keep "in full force and effect" the license of an inmate who may be in confinement for an extended period of time, MDOT MVA may be required to sanction drivers who have not had exposure to operating a vehicle for a significant length of time.

The Maryland Department of Transportation respectfully requests the Committee take this information into consideration when deliberating Senate Bill 77.

Respectfully submitted,

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