

WEST VIRGINIA LEGISLATURE
2023 FIRST EXTRAORDINARY SESSION

Introduced

House Bill 106

By Delegates Kelly and Skaff

(By Request of the Executive)

[Introduced August 06, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended, relating
2 to temporary identification cards for released inmates; clarifying that the temporary
3 identification cards are issued at no cost to the inmate; and extending the period of validity
4 of the temporary identification cards.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-1c. Temporary identification card for released inmates.

1 (a) The West Virginia Division of Corrections and Rehabilitation is authorized to issue a
2 temporary identification card to an eligible inmate at no cost, ~~no more~~ earlier than seven days prior
3 to the inmate's release from the Division's custody. An identification card issued pursuant to this
4 section shall be valid for ~~90~~ 180 days after the date of issuance.

5 (b) A valid identification card issued pursuant to this section shall have the same force and
6 effect as a standard identification card issued by the Division of Motor Vehicles pursuant to
7 §17B-2-1(f) of this code.

8 (c)(1) Notwithstanding any other provision of this code, the Division of Motor Vehicles shall
9 accept a valid identification card issued pursuant to this section as sufficient proof of identity, age,
10 and residency of a person applying for an identification card or driver's license pursuant to
11 §17B-2-1 of this code.

12 (2) If the Division of Motor Vehicles is unable to verify the person's social security number
13 by another means, the Division of Motor Vehicles shall contact the Division of Corrections and
14 Rehabilitation to verify the social security number provided by such person. The Division of Motor
15 Vehicles shall accept verification by the Division of Corrections and Rehabilitation as sufficient
16 documentation of the person's social security number for the purpose of issuing such person an
17 identification card or driver's license pursuant to §17B-2-1 of this code.

18 (3) The Division of Corrections and Rehabilitation, in collaboration with the Division of
19 Motor Vehicles, shall develop a policy to permit the sharing of released inmates' social security

20 numbers for the limited purposes of this section, and shall obtain any necessary written
21 authorization from an inmate prior to the inmate's release from the Division of Corrections and
22 Rehabilitation's custody.

23 (d) An inmate is not eligible to receive an identification card pursuant to this section if the
24 inmate is in possession of a valid West Virginia identification card or driver's license, which expires
25 more than seven days after the inmate's date of release from the Division of Corrections and
26 Rehabilitation's custody, or if the inmate is not a citizen of the United States.

27 (e) Nothing in this section shall be construed to permit or require issuance of an
28 identification card or driver's license for federal use, in violation of the standards promulgated
29 pursuant to the REAL ID Act of 2005, 49 U.S.C. § 30301 *et seq.*

30 (f) During the six months preceding an inmate's release date from the Division of
31 Corrections and Rehabilitation's custody, the division shall make efforts to assist the inmate to
32 obtain a certified copy of the inmate's birth certificate, a Social Security card, and a state-issued
33 driver's license or identification card.

NOTE: The purpose of this bill is to clarify that the temporary identification cards issued upon release to an inmate are at no cost to the inmate and extend the validity of the temporary identification cards to 180 days.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.