WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5628

By Delegate Rowe

[Introduced February 12, 2024; Referred to the Committee on Technology and Infrastructure then the Judiciary]

A BILL to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended, requiring the Division of Corrections and Rehabilitation to obtain necessary identification and employment documents for an inmate, to provide a photograph and this identifying information to the Division of Motor Vehicles, to require the Division of Motor Vehicles to issue a state identification card or any license that the inmate is qualified to hold, and to require that the Division of Corrections and Rehabilitation provide this identification card or license and all other necessary identification and employment documents to the inmate up the inmate's release.

Be it enacted by the Legislature of West Virginia:

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

(a) (1) The West Virginia Division of Corrections and Rehabilitation ~~is authorized to issue a temporary identification card to an eligible inmate at no cost, no earlier than seven days prior to the inmate’s release from the division’s custody. An identification card issued pursuant to this section shall be valid for 180 days after the date of issuance~~ shall, in the six months preceding an inmate's release date from the Division of Corrections and Rehabilitation's custody, assist the inmate to obtain a certified copy of the inmate's birth certificate, a Social Security card, and all information necessary for the inmate to be granted a state-issued driver's license or identification card, which information may include identifying information obtained in the prosecution or incarceration of the inmate. Upon the inmate's release, this information shall be provided to the inmate.

The Division of Corrections shall, within one month of an inmate's release, provide to the Division of Motor Vehicles all required information required for a state identification card or any license for which an inmate is qualified, including a Social Security card, birth certificate, any and all marriage certificates and/or divorce decrees, or a court order granting a name change.

(2) The Division of Corrections shall also provide to the Division of Motor Vehicles, along with the identifying information, a photograph of the inmate wearing a shirt that does not indicate that the inmate is in the corrections system and in front of an appropriate background.

(3) The Division of Motor Vehicles shall issue, free of charge, any valid license or identification card for which the inmate is qualified and send this license or identification to the facility housing the inmate on or before one week before the inmate's scheduled release.

(4) The facility housing the inmate shall accept the delivery of the license of identification card for the inmate and provide this to the inmate upon his or her release.

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

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

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

(3) The Division of Corrections and Rehabilitation, in collaboration with the Division of Motor Vehicles, shall develop a policy to permit the sharing of released inmates' Social Security numbers for the limited purposes of this section, and shall obtain any necessary written authorization from an inmate prior to the inmate’s release from the Division of Corrections and Rehabilitation’s custody.

~~(d)~~ (c) An inmate is not eligible to receive an identification card pursuant to this section if the inmate is in possession of a valid West Virginia identification card or driver’s license, which expires more than 30 days after the inmate’s date of release from the Division of Corrections and Rehabilitation’s custody, or if the inmate is not a citizen of the United States.

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

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

NOTE: The purpose of this bill is to provide to released inmates the necessary identification information to be able to obtain employment upon release.

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