

STATE OF NEW YORK

5738

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to creating an identification card program for incarcerated individuals in local correctional facilities; and to amend the vehicle and traffic law, in relation to issuance of and waiver of fees for identification cards issued pursuant to identification card programs under the correction law

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The correction law is amended by adding a new section 512
2 to read as follows:

3 § 512. Identification card program. 1. For purposes of this section,
4 "identification card" shall have the same meaning as defined in section
5 four hundred ninety of the vehicle and traffic law.

6 2. The department of motor vehicles shall develop a program that would
7 allow incarcerated individuals in local correctional facilities without
8 an identification card, or who have not been issued a driver's license
9 or learner's permit by the commissioner of motor vehicles, or whose
10 driver's license or learner's permit is expired, suspended, revoked or
11 surrendered, or whose identification card is expired, to obtain an iden-
12 tification card prior to such incarcerated individual's release from a
13 local correctional facility at the option of such incarcerated individ-
14 ual.

15 3. The sentence and commitment of an incarcerated individual in a
16 local correctional facility shall be deemed sufficient to grant authori-
17 zation to the sheriff of such local correctional facility to assist such
18 incarcerated individual to apply for and obtain an identification card
19 from the department of motor vehicles.

20 4. (a) Prior to an incarcerated individual's release from a local
21 correctional facility, the sheriff of such local correctional facility
22 shall notify such incarcerated individual, verbally and in writing, of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 the identification card program under this section. The sheriff of such
2 local correctional facility shall also document that they offered to
3 assist such incarcerated individual in obtaining an identification card
4 and if such incarcerated individual declined. The sheriff of a local
5 correctional facility shall make diligent efforts to ensure that an
6 incarcerated individual is provided with an identification card, if
7 requested, prior to or upon the release of such individual from such
8 local correctional facility.

9 (b) If an identification card is obtained with the assistance of the
10 sheriff of a local correctional facility for an incarcerated individual
11 prior to such individual's release from such local correctional facili-
12 ty, such identification card shall be kept in such incarcerated individ-
13 ual's records until such individual is released from such local correc-
14 tional facility; and upon such individual's release, such identification
15 card shall be provided to such individual.

16 § 2. Section 490 of the vehicle and traffic law is amended by adding a
17 new subdivision 4 to read as follows:

18 4. Identification card programs. Identification cards issued to incar-
19 cerated individuals pursuant to an identification card program under
20 section eleven or five hundred twelve of the correction law shall be
21 formatted identically to all other identification cards issued pursuant
22 to this section. Such identification cards shall not contain any mark-
23 ings or other indications that such identification cards were issued
24 pursuant to such an identification card program.

25 § 3. Subdivision 3 of section 491 of the vehicle and traffic law, as
26 amended by section 2 of part Q of chapter 58 of the laws of 2022, is
27 amended to read as follows:

28 3. Waiver of fee. The commissioner may waive the payment of fees
29 required by subdivision two of this section if the applicant is (a) an
30 incarcerated individual in an institution or correctional facility under
31 the jurisdiction of a state department or agency, or a local correction-
32 al facility as defined by section two of the correction law, or (b) a
33 victim of a crime and the identification card applied for is a replace-
34 ment for one that was lost or destroyed as a result of the crime.

35 § 4. This act shall take effect on the thirtieth day after it shall
36 have become a law. Effective immediately, the addition, amendment and/or
37 repeal of any rule or regulation necessary for the implementation of
38 this act on its effective date are authorized to be made and completed
39 on or before such effective date.