

# STATE OF NEW YORK

8083--A

## IN SENATE

January 25, 2022

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the vehicle and traffic law, in relation to providing identification cards to incarcerated individuals upon release from incarceration

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 11 to  
2 read as follows:

3 § 11. 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 commissioner, in consultation with the commissioner of motor  
7 vehicles, shall develop a program that would allow incarcerated individ-  
8 uals without an identification card, or individuals whose driver's  
9 license or learner's permit has not been issued by the commissioner  
10 of motor vehicles, or individuals whose driver's license or learner's  
11 permit is expired, suspended, revoked or surrendered, to obtain an  
12 identification card prior to the incarcerated individual's release from  
13 a correctional facility under the jurisdiction of the department or upon  
14 the individual's release from a correctional facility under the juris-  
15 isdiction of the department.

16 3. The sentence and commitment or certificate of conviction of an  
17 incarcerated individual shall be deemed sufficient to grant authori-  
18 zation to the department of corrections and community supervision to  
19 apply for and/or obtain an identification card on behalf of an incarcer-  
20 ated individual in an institution or correctional facility under the  
21 jurisdiction of the department.

22 4. (a) The department shall make diligent efforts to ensure that an  
23 incarcerated individual is provided with an identification card prior to

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

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1 or upon the release of such individual from an institution or correc-  
2 tional facility under the jurisdiction of the department.

3 (b) If an identification card is obtained by the department on behalf  
4 of an incarcerated individual prior to such individual's release from  
5 the department's custody, the identification card shall be kept in the  
6 incarcerated individual's records until such individual is released from  
7 an institution or correctional facility under the jurisdiction of the  
8 department; upon such individual's release, the identification card  
9 shall be provided to the individual.

10 5. Fees associated with the original issuance of an identification  
11 card shall be paid for by the department if such fees are not waived by  
12 the commissioner of the department of motor vehicles.

13 § 2. The opening paragraph of paragraph (a) of subdivision 2 of  
14 section 490 of the vehicle and traffic law, as amended by chapter 158 of  
15 the laws of 2021, is amended to read as follows:

16 Any person to whom a driver's license or learner's permit has not been  
17 issued by the commissioner, or whose driver's license or learner's  
18 permit is expired, suspended, revoked or surrendered, may make applica-  
19 tion to the commissioner for the issuance of an identification card. For  
20 incarcerated individuals, the sentence and commitment or certificate of  
21 conviction of an incarcerated individual shall be deemed sufficient to  
22 grant authorization to the department of corrections and community  
23 supervision to apply for and/or obtain an identification card on behalf  
24 of an incarcerated individual in an institution or correctional facility  
25 under the jurisdiction of such department. The commissioner shall ensure  
26 that space is provided on the application so that the applicant shall  
27 register or decline registration in the donate life registry for organ  
28 and tissue donations pursuant to section forty-three hundred ten of the  
29 public health law and that the following is stated on the application in  
30 clear and conspicuous type:

31 § 3. Subdivision 3 of section 491 of the vehicle and traffic law, as  
32 added by section 1 of part H of chapter 58 of the laws of 2017, is  
33 amended to read as follows:

34 3. Waiver of fee. The commissioner may waive the payment of fees  
35 required by subdivision two of this section if the applicant is (a) an  
36 incarcerated individual in an institution under the jurisdiction of a  
37 state department or agency, or (b) a victim of a crime and the identifi-  
38 cation card applied for is a replacement for one that was lost or  
39 destroyed as a result of the crime.

40 § 4. This act shall take effect on the first of April next succeeding  
41 the date on which it shall have become a law. Effective immediately, the  
42 addition, amendment and/or repeal of any rule or regulation necessary  
43 for the implementation of this act on its effective date are authorized  
44 to be made and completed on or before such effective date.