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:

Section 1. The correction law is amended by adding a new section 11 to read as follows:

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

2. The commissioner, in consultation with the commissioner of motor vehicles, shall develop a program that would allow incarcerated individuals without an identification card, or individuals whose driver's license or learner's permit has not been issued by the commissioner of motor vehicles, or individuals whose driver's license or learner's permit is expired, suspended, revoked or surrendered, to obtain an identification card prior to the incarcerated individual's release from a correctional facility under the jurisdiction of the department or upon the individual's release from a correctional facility under the jurisdiction of the department.

3. The sentence and commitment or certificate of conviction of an incarcerated individual shall be deemed sufficient to grant authorization to the department of corrections and community supervision to apply for and/or obtain an identification card on behalf of an incarcerated individual in an institution or correctional facility under the jurisdiction of the department.

4. (a) The department shall make diligent efforts to ensure that an 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.

LBD04985-06-2

or upon the release of such individual from an institution or correctional facility under the jurisdiction of the department.

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

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

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

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

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

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

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