STATE OF NEW YORK

5738--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 23, 2023

Introduced by M. of A. FAHY, McDONALD, EPSTEIN, BRONSON, SIMON, MAMDANI, GLICK, O'DONNELL -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

§ 512. 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 department of motor vehicles shall develop a program that would allow incarcerated individuals in local correctional facilities without an identification card, or who have not been issued a driver's license or learner's permit by the commissioner of motor vehicles, or whose driver's license or learner's permit is expired, suspended, revoked or surrendered, or whose identification card is expired, to obtain an identification card prior to such incarcerated individual's release from a local correctional facility at the option of such incarcerated individual.

3. If the identification card program developed by the department of motor vehicles pursuant to this section provides an option for eligible incarcerated individuals to elect to register to vote in the state of New York in the process of applying for an identification card, the department shall develop regulations to notify incarcerated individuals

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

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who are not eligible to vote in the state of New York of such ineligibility prior to their completion of such application.

4. The sentence and commitment of an incarcerated individual in a local correctional facility shall be deemed sufficient to grant authorization to the sheriff of such local correctional facility to assist such incarcerated individual to apply for and obtain an identification card from the department of motor vehicles.

5. (a) Prior to an incarcerated individual's release from a local correctional facility, the sheriff of such local correctional facility shall notify such incarcerated individual, verbally and in writing, of the identification card program under this section. The sheriff of such local correctional facility shall also document that such sheriff offered to assist such incarcerated individual in obtaining an identification card and if such incarcerated individual declined. The sheriff of a local correctional facility shall make diligent efforts to ensure that an incarcerated individual is provided with an identification card, if requested, prior to or upon the release of such individual from such local correctional facility.

(b) If an identification card is obtained with the assistance of the sheriff of a local correctional facility for an incarcerated individual prior to such individual's release from such local correctional facility, such identification card shall be kept in such incarcerated individual's records until such individual is released from such local correctional facility; and upon such individual's release, such identification card shall be provided to such individual.

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

4. Identification card programs. Identification cards issued to incarcerated individuals pursuant to an identification card program under section eleven or five hundred twelve of the correction law shall be formatted identically to all other identification cards issued pursuant to this section. Such identification cards shall not contain any markings or other indications that such identification cards were issued pursuant to such an identification card program.

§ 3. Subdivision 3 of section 491 of the vehicle and traffic law, as amended by section 2 of part Q of chapter 58 of the laws of 2022, 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 or correctional facility under the jurisdiction of a state department or agency, or a local correctional facility as defined by section two of the correction law, 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 thirtieth day after 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.