STATE OF NEW YORK

9058

IN SENATE

April 15, 2024

Introduced by Sen. SANDERS -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to providing for automatic issuance of identification cards to incarcerated individuals and assistance with obtaining copies of certain documents

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

Section 1. Section 11 of the correction law, as added by section 1 of part Q of chapter 58 of the laws of 2022, is amended 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~~] **automatically provide** incarcerated individuals without an identification card, or incarcerated individuals who have not been issued a driver's license or learner's permit by the commissioner of motor vehicles, or incarcerated individuals whose driver's license or learner's permit is expired, suspended, revoked or surrendered, or incarcerated individuals whose identification card is expired, [~~to obtain~~] **with** an identification card prior to the incarcerated individual's release from an institution or correctional facility under the jurisdiction of the department or upon the individual's release from an institution or correctional facility under the jurisdiction of the department at the option of the incarcerated individual.

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 assist an incarcerated individual in an institution or correctional facility under the jurisdiction of such department to apply for and obtain an identification card from the department of motor vehicles.

4. (a) Prior to an incarcerated individual's release from an institution or correctional facility under the jurisdiction of the department,

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

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the department shall notify the incarcerated individual, verbally and in writing, of such identification card program. The department shall also document that they offered to assist the incarcerated individual in obtaining an identification card and if such incarcerated individual declined. The department 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 an institution or correctional facility under the jurisdiction of the department. **Such efforts shall include assisting incarcerated individuals with obtaining copies of any documents needed to apply for identification cards. Such documents shall include, but not be limited to, an incarcerated individual's social security card and birth certificate.**

(b) If an identification card is obtained with the assistance of the department for 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. The department shall collect data on the number of incarcerated individuals participating in the identification card program and issue a report on such data to the governor, the temporary president of the senate and the speaker of the assembly annually until December thirty-first, two thousand twenty-six.

§ 2. 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.