

Department of Planning and Budget

2019 Fiscal Impact Statement

1. Bill Number: HB2441

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron: Wilt

3. Committee: Passed Both Houses

4. Title: Special identification card without a photograph; fee; confidentiality; penalties

5. Summary: This bill requires the Department of Motor Vehicles to issue a special identification card without a photograph to a person with a sincerely held religious belief prohibiting the taking of a photograph who would otherwise meet the qualifications for a special identification card but also presents an approved and signed IRS Form 4029. The bill allows a special identification card without a photograph to be similar in size, shape, and design to a driver's license but requires (i) that it be clearly distinguishable from a driver's license, (ii) that it not include a photograph of its holder, and (iii) that it clearly state that (a) the card does not authorize the holder to operate a motor vehicle, (b) federal limits apply, and (c) the card is not valid identification to vote. The bill provides that giving false information, concealing a material fact, or otherwise committing a fraud in applying for a special identification card without a photograph is guilty of a Class 2 misdemeanor and that obtaining a special identification card without a photograph for the purpose of committing any offense punishable as a felony constitutes a Class 4 felony. The bill contains technical amendments. This bill is the result of a study conducted by the Department of Motor Vehicles.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. See Item #8.

8. Fiscal Implications: At the recommendation of the Identification Card without a Photograph Study, this bill sets the fee for a Department of Motor Vehicles (DMV)-issued identification card without a photograph at an amount such that DMV will be able to recover its upfront costs in creating the credential. As such, this bill has a revenue neutral impact to DMV.

Anyone convicted of a Class 2 misdemeanor is subject to a sentence of up to six months in jail. There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Ultimately, the presiding judge will decide if there is to be any time served in jail; however, any increase in jail population will increase costs to the state. The Commonwealth presently pays the localities \$4.00 a day for each misdemeanant or otherwise local responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs

on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2018), the estimated total state support for local jails averaged \$33.83 per inmate, per day in FY 2017.

If the identification card is obtained for the purpose of committing any felony, it would be a Class 4 felony. However, according to the DMV, an ID card without a photograph could be used only for limited purposes and it is unlikely that this bill would result in any convictions for the new Class 4 felony. The Virginia Criminal Sentencing Commission has not assigned a general fund impact to this legislation.

9. Specific Agency or Political Subdivisions Affected: Department of Motor Vehicles.

10. Technical Amendment Necessary: No.

11. Other Comments: None.

Date: 2/13/2019

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Cc: Secretary of Transportation