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HOUSE BILL NO. 1093

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Senator Favola
on February 28, 2020)

(Patron Prior to Substitute—Delegate Hope)

A BILL to amend and reenact § 53.1-116.1:02 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4, relating to prisoners; obtaining certain identification and documentation upon release.

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-116.1:02 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 53.1 a section numbered 53.1-31.4 as follows:

§ 53.1-31.4. Department of Corrections-issued identification.

Prior to the release or discharge of any prisoner who has been confined for at least 90 days and does not possess a government-issued identification card, birth certificate, and Social Security card, the Department shall provide the assistance necessary for such prisoner to apply for and obtain such identification and documents prior to his release or discharge, provided that the Department has or can readily obtain all records and information necessary for their issuance. If the prisoner is unable to obtain a government-issued identification card prior to his release or discharge, the Department shall provide the prisoner with a Department of Corrections Offender Identification form. If the Department receives a government-issued identification card, birth certificate, or Social Security card for a prisoner after his release or discharge, the Department shall forward such identification or document to the prisoner. Unless the prisoner is determined to be indigent pursuant to § 19.2-159, all costs and fees associated with applying for and obtaining any identification or documents pursuant to this section shall be paid by the prisoner.

§ 53.1-116.1:02. Jailer-issued identification.

Prior to the release or discharge of any prisoner, if the prisoner who has been confined for at least 90 days and does not already possess a government-issued identification card, birth certificate, and Social Security card, the sheriff, jail superintendent, or other jail administrator may issue that shall provide the assistance necessary for such prisoner a special identification card to be given to the prisoner upon to apply for and obtain such identification and documents prior to his release or discharge, provided that the sheriff, superintendent, or administrator has or can readily obtain all records and information necessary for their issuance and the prisoner has not declined an offer by the sheriff, superintendent, or administrator to provide such assistance. If the sheriff, jail superintendent, or other jail administrator receives a government-issued identification card, birth certificate, or Social Security card for a prisoner after his release or discharge, the sheriff, superintendent, or administrator shall make reasonable efforts to ensure that the prisoner obtains possession of such identification or document. The sheriff, jail superintendent, or other jail administrator may establish a procedure for securing such identification through the Department of Motor Vehicles. All Unless the prisoner has funds in his account to cover all or part of the costs and fees associated with applying for and obtaining such special identification card any identification or documents pursuant to this section, such costs shall be paid by the prisoner jail.