

Department of Planning and Budget
2021 Special Session 1 - Fiscal Impact Statement

1. Bill Number: HB2138E

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input checked="" type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Guzman

3. Committee: Transportation

4. Title: Identification privilege cards; fee, confidentiality, penalties.

5. Summary: This bill authorizes the Department of Motor Vehicles to issue identification privilege cards to applicants who do not meet the citizenship or legal presence requirements for a special identification card or a limited-duration special identification card and have reported income from Virginia sources or been claimed as a dependent on an individual tax return filed with the Commonwealth in the preceding 12 months. The bill provides that identification privilege cards shall be treated as special identification cards unless otherwise provided in the Code of Virginia. The bill limits the release of certain information stored by the Department. The bill has a delayed effective date of January 1, 2022.

6. Budget Amendment Necessary: Yes, Item 402.

7. Fiscal Impact Estimates: Preliminary. See Item 8.

8. Fiscal Implications: This bill authorizes the Department of Motor Vehicles (DMV) to issue identification privilege cards to individuals who cannot present proof of legal presence, as required under current law for a special identification card, but who: meet requirements for issuance of a special identification card (including proof of identity, residency, etc.), other than presenting a social security number; and have filed a Virginia income tax return within the preceding 12 months or are claimed as a dependent on such a return. The Department of Taxation and DMV would be able to utilize the same electronic verification system that has been set up for the driver privilege card that would enable DMV to verify an income tax filing in real-time.

Identification privilege cards will be identical to special identification cards other than a restriction indicator that is identical in appearance to a limited-duration special identification card. These credentials will be valid for four years. The bill provides for a \$25 fee for an original, duplicate, reissue, or renewal identification privilege card.

The bill contains the same privacy provisions that cover the driver privilege card, which include a prohibition against the bulk release of identification privilege card data to governmental entities and specific rules for when information may be released by DMV.

In November 2018, the Pew Research Center released updated 2016 population estimates concerning Virginia's undocumented immigrant population. Based on this information, it is estimated that approximately 292,960 undocumented immigrants in Virginia may be eligible to obtain an identification privilege card if this bill is implemented in FY 2022. Based on the percentage of DMV customers who hold standard driver's licenses in comparison to those who hold special identification cards, approximately 15,000 customers may apply for an identification privilege card.

Based on this estimate and depending on the geographic disbursement of customers, the agency would be able to address the additional workload with part-time employees hired in high volume locations in the state. Implementation will require system programming costing \$53,458. Though revenue would be dependent on the number of individuals who apply for identification cards, it is anticipated that implementation costs will be offset by the \$25 fee per credential.

According to this legislation, Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification privilege card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

Anyone convicted of a Class 4 felony is subject to a term of imprisonment of not less than two years nor more than ten years and a fine of up to \$100,000, either or both.

Due to the lack of data, the Virginia Criminal Sentencing Commission has concluded, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. In such cases, Chapter 56, 2020 Acts of Assembly, Special Session I, requires that a minimum impact of \$50,000 be assigned to the bill.

This bill may also increase the need for local-responsible (jail) bed space needs. According to the Virginia Criminal Sentencing Commission, not enough information is available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanor 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 varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2020), the estimated total state support for local jails averaged \$34.59 per inmate, per day in FY 2019.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.