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HOUSE BILL NO. 1405

Offered January 17, 2024

A BILL to amend and reenact §§ 53.1-31.4 and 53.1-116.1:02 of the Code of Virginia, relating to prisoners; Department of Corrections-issued and jailer-issued identification.

Patrons—Cousins, Walker, Clark, Henson, Seibold and Simonds

Referred to Committee on Public Safety

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-31.4 and 53.1-116.1:02 of the Code of Virginia are amended and reenacted 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~~ or 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 *former* prisoner. *The Department shall establish a procedure for securing such identification through the Department of Motor Vehicles. The Department of Motor Vehicles shall expedite, to the extent possible, the processing of an application submitted by a prisoner for a government-issued identification card and the issuance of such identification.* 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 who has been confined for at least 90 days and does not possess a government-issued identification card, birth certificate, ~~and~~ or Social Security card, the sheriff, jail superintendent, or other jail administrator 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 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 *former* prisoner obtains possession of such identification or document. The sheriff, jail superintendent, or other jail administrator ~~may~~ *shall* establish a procedure for securing such identification through the Department of Motor Vehicles. *The Department of Motor Vehicles shall expedite, to the extent possible, the processing of an application submitted by a prisoner for a government-issued identification card and the issuance of such identification.* Unless the prisoner has funds in his account to cover all or part of the costs and fees associated with applying for and obtaining any identification or documents pursuant to this section, such costs shall be paid by the jail.

2. That the Department of Corrections, in coordination with the State Board of Local and Regional Jails, the Department of Motor Vehicles, and the State Registrar of Vital Records, shall (i) review the processes involved in assisting a prisoner in applying for and obtaining a government-issued identification card, birth certificate, or Social Security card as required pursuant to §§ 53.1-31.4 and 53.1-116.1:02 of the Code of Virginia, as amended by this act; (ii) identify any obstacles that may interfere with a prisoner obtaining such identification or documents prior to such prisoner's release or discharge; and (iii) issue a report of its findings and recommendations to the General Assembly no later than November 1, 2024.

INTRODUCED

HB1405