

AMENDED IN ASSEMBLY MAY 27, 2021

AMENDED IN ASSEMBLY APRIL 7, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 717**

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**Introduced by Assembly Member Stone**

**(Coauthors: Assembly Members Berman, Carrillo, Chiu, Cristina Garcia, Grayson, Lee, McCarty, Quirk, Santiago, Ting, and Wicks)**

(Coauthors: Senators Laird, Umberg, and Wiener)

February 16, 2021

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An act to add Section 3007.06 to, and to repeal and add Section 3007.05 of, the Penal Code, and to amend Section 14902 of the Vehicle Code, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

AB 717, as amended, Stone. Prisoners: identification cards.

Existing law requires the Department of Corrections and Rehabilitation and the Department of Motor Vehicles to ensure that all eligible inmates released from state prison have valid identification cards. Existing law also establishes requirements for the Department of Corrections and Rehabilitation for persons in state prison who are exonerated, including transitional services and financial support, as specified. Existing law establishes an \$8 fee for a replacement identification card issued to an eligible inmate upon release from a state or federal correctional facility or a county jail, as specified.

This bill would require the Department of Corrections and Rehabilitation to ~~ensure~~ *make all reasonable efforts to ensure that all* inmates released from state prison are released with a valid California

identification ~~card~~. *card or a duplicate or renewal driver’s license, unless an inmate willfully chooses to not obtain a California identification card or driver’s license. The bill would require the Department of Corrections and Rehabilitation, where a valid California identification card or driver’s license is not obtained before release, to provide the inmate with a photo prison identification card.* The bill would require, among other things, that the California Department of Corrections and Rehabilitation obtain Department of Motor Vehicles-approved cameras, determine the documentation inmates require for California identification cards and driver’s licenses and provide inmates with the opportunity and means to obtain those documents, provide inmates with the opportunity and means to work with the Department of Motor Vehicles to obtain a California identification card or driver’s license, and to make licensing examinations available to inmates. The bill would require the Department of Corrections and Rehabilitation to prepare an annual report for the Legislature regarding this program that includes information about the number of inmates assisted, the number of facilities providing services, and impediments to program implementation. This bill would extend the \$8 fee to an original or duplicate identification card as well as to an original, duplicate, or renewal driver’s license issued to an inmate upon release, as specified.

This bill would make technical, nonsubstantive changes to the law pertaining to exonerated persons.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 3007.05 of the Penal Code is repealed.
- 2 SEC. 2. Section 3007.05 is added to the Penal Code, to read:
- 3 3007.05. (a) The Department of Corrections and Rehabilitation
- 4 and the Department of Motor Vehicles shall ~~ensure that all inmates~~
- 5 ~~released from state prison are released with a valid California~~
- 6 ~~identification card or driver’s license.~~ *make all reasonable efforts*
- 7 *to ensure that all inmates released from state prison are released*
- 8 *with a valid California identification card or a duplicate or renewal*
- 9 *driver’s license, unless an inmate willfully chooses to not obtain*
- 10 *a California identification card or driver’s license. Where a valid*
- 11 *California identification card or driver’s license is not obtained*

1 *before release, the Department of Corrections and Rehabilitation*  
2 *shall provide the inmate with a photo prison identification card.*  
3 *It is the intent of the Legislature that only in rare cases would an*  
4 *inmate be released without a valid California identification card*  
5 *or driver's license.*

6 (b) In order to process original, duplicate, or renewal requests  
7 for California identification cards and driver's licenses, the  
8 Department of Corrections and Rehabilitation shall do all of the  
9 following:

10 (1) Ensure all Department of Corrections and Rehabilitation  
11 facilities in which inmates are incarcerated have the necessary  
12 equipment, including, but not limited to, Department of Motor  
13 Vehicles-approved cameras.

14 (2) As soon as an inmate is within 24 months of release,  
15 determine the documentation the inmate requires to obtain a  
16 California identification card or driver's license, such as a birth  
17 certificate or social security account card. Upon receiving written  
18 consent from the inmate, facilitate the process between the inmate  
19 and the agencies holding the documentation by providing the means  
20 and opportunity, including, but not limited to, any forms, fees,  
21 notary services, and mailing-related needs, to ensure the inmate  
22 obtains the required documentation as soon as possible. For an  
23 inmate serving a life sentence, begin this process as soon as the  
24 inmate is within 24 months of their minimum eligible parole date.  
25 Immediately begin this process for an inmate whose sentence is  
26 shortened to within 24 months of release for any reason.

27 (3) As soon as an inmate is within 13 months of release, with  
28 written consent from the inmate, work with the Department of  
29 Motor Vehicles and provide the means and opportunity, including,  
30 but not limited to, any forms, photographs, and mailing-related  
31 needs, to ensure the inmate receives an original, renewal, or  
32 duplicate California identification card or driver's license at release.  
33 For an inmate serving a life sentence, begin this process as soon  
34 as the inmate is within 13 months of their minimum eligible parole  
35 date. Immediately begin this process for an inmate whose sentence  
36 is shortened to less than 13 months for any reason.

37 (4) Make any necessary licensing examinations available to  
38 inmates, with the exception of, for driver's licenses, an examination  
39 of the applicant's ability to exercise ordinary and reasonable control  
40 in operating a motor vehicle as described in subparagraph (D) of

1 paragraph (1) of subdivision (a) of Section 12804.9 of the Vehicle  
2 Code.

3 (c) The Department of Corrections and Rehabilitation shall  
4 provide inmates their California identification card or driver's  
5 license, plus any additional documents obtained on their behalf,  
6 upon their release.

7 (d) The Department of Corrections and Rehabilitation shall  
8 annually prepare a report for the Legislature about this program  
9 that includes the following information:

10 (1) The number of inmates provided with original and renewal  
11 identifications, renewal licenses, disaggregated by license type,  
12 and written examinations disaggregated by license type.

13 (2) The number of Department of Corrections and Rehabilitation  
14 facilities that are providing license and ID services to inmates.

15 (3) Any impediment to implementation of this program and  
16 recommendations for resolution of those issues.

17 SEC. 3. Section 3007.06 is added to the Penal Code, to read:

18 3007.06. (a) The Department of Corrections and Rehabilitation  
19 shall assist a person who is exonerated as to a conviction for which  
20 the person is serving a state prison sentence at the time of  
21 exonerated with all of the following:

22 (1) Transitional services, including housing assistance, job  
23 training, and mental health services, as applicable. The services  
24 shall be offered within the first week of an individual's exonerated  
25 and again within the first 30 days of exonerated. Services shall  
26 be provided for a period of not less than six months and not more  
27 than one year from the date of release unless the exonerated person  
28 qualifies for services beyond one year under existing law.

29 (2) Enrollment in the Medi-Cal program established pursuant  
30 to Chapter 7 (commencing with Section 14000) of Part 3 of  
31 Division 9 of the Welfare and Institutions Code.

32 (3) (A) Enrollment in the CalFresh program established  
33 pursuant to Chapter 10 (commencing with Section 18900) of Part  
34 6 of Division 9 of the Welfare and Institutions Code.

35 (B) Exonerated persons who are ineligible for CalFresh benefits  
36 pursuant to the federal Supplemental Nutrition Assistance Program  
37 limitation specified in Section 2015(o) of Title 7 of the United  
38 States Code shall be given priority for receipt of the 15-percent  
39 exemption specified in Section 2015(o)(6) of Title 7 of the United

1 States Code. The State Department of Social Services shall issue  
2 guidance to counties regarding that requirement.

3 (4) Referral to the Employment Development Department and  
4 applicable regional planning units for workforce services.

5 (5) Enrollment in the federal supplemental security income  
6 benefits program pursuant to Title XVI of the federal Social  
7 Security Act (42 U.S.C. Sec. 1381 et seq.) and state supplemental  
8 program pursuant to Title XVI of the federal Social Security Act  
9 and Chapter 3 (commencing with Section 12000) of Part 3 of  
10 Division 9 of the Welfare and Institutions Code.

11 (b) (1) In addition to any other payment to which the person  
12 is entitled to by law, a person who is exonerated shall be paid the  
13 sum of one thousand dollars (\$1,000) upon release, from funds to  
14 be made available upon appropriation by the Legislature for this  
15 purpose.

16 (2) In addition to any other payment to which the person is  
17 entitled to by law, a person who is exonerated shall be paid the  
18 sum of five thousand dollars (\$5,000) upon release, to be used for  
19 housing, including, but not limited to, hotel costs, mortgage  
20 expenses, a down payment, security deposit, or any payment  
21 necessary to secure and maintain rental housing or other housing  
22 accommodations. The exonerated person shall also be entitled to  
23 receive direct payment or reimbursement for reasonable housing  
24 costs for a period of not more than four years following release  
25 from custody. The Department of Corrections and Rehabilitation  
26 shall disburse payments or reimbursements pursuant to this  
27 paragraph from funds to be made available upon appropriation by  
28 the Legislature for this purpose.

29 (3) As used in paragraph (2), the term “reasonable housing  
30 costs” means all the following:

31 (A) For hotel costs, the cost of lodging, not to exceed 25 percent  
32 above the federal General Services Administration’s per diem  
33 lodging reimbursement rate.

34 (B) For payments necessary to secure and maintain rental  
35 housing, both of the following:

36 (i) The actual cost of any security deposits necessary to secure  
37 a rental housing unit.

38 (ii) The cost of rent, not to exceed 25 percent above the fair  
39 market value as defined by the United States Department of  
40 Housing and Urban Development.

1 (C) For mortgage expenses, the cost of mortgage payments, not  
2 to exceed 25 percent above the Federal Housing Administration's  
3 area loan limits.

4 (c) For the purposes of this section, "exonerated" means the  
5 person has been convicted and subsequently one of the following  
6 occurred:

7 (1) A writ of habeas corpus concerning the person was granted  
8 on the basis that the evidence unerringly points to innocence, or  
9 the person's conviction was reversed on appeal on the basis of  
10 insufficient evidence.

11 (2) A writ of habeas corpus concerning the person was granted  
12 pursuant to Section 1473, either resulting in dismissal of the  
13 criminal charges for which the person was incarcerated or following  
14 a determination that the person is entitled to release on the person's  
15 own recognizance, or to bail, pending retrial or pending appeal.

16 (3) The person was given an absolute pardon by the Governor  
17 on the basis that the person was innocent.

18 SEC. 4. Section 14902 of the Vehicle Code is amended to read:

19 14902. (a) Except as otherwise provided in subdivisions (b),  
20 (c), (d), (g), and (h) of this section, subdivision (c) of Section  
21 13002, and subdivision (c) of Section 14900, upon an application  
22 for an identification card a fee of twenty dollars (\$20), and on and  
23 after January 1, 2010, a fee of twenty-six dollars (\$26), shall be  
24 paid to the department.

25 (b) An original or replacement senior citizen identification card  
26 issued pursuant to subdivision (b) of Section 13000 shall be issued  
27 free of charge.

28 (c) The fee for an original or replacement identification card  
29 issued to a person who has been determined to have a current  
30 income level that meets the eligibility requirements for assistance  
31 programs under Chapter 2 (commencing with Section 11200) or  
32 Chapter 3 (commencing with Section 12000) of Part 3 of, or Part  
33 5 (commencing with Section 17000) of, or Article 9 (commencing  
34 with Section 18900) of Chapter 10 of Part 6 of, or Chapter 10.1  
35 (commencing with Section 18930) or Chapter 10.3 (commencing  
36 with Section 18937) of Part 6 of, Division 9 of the Welfare and  
37 Institutions Code shall be six dollars (\$6). The determination of  
38 eligibility under this subdivision shall be made by a governmental  
39 or nonprofit entity, which shall be subject to regulations adopted  
40 by the department.

1 (d) A fee shall not be charged for an original or replacement  
2 identification card issued to any person who can verify their status  
3 as a homeless person or homeless child or youth. A homeless  
4 services provider that has knowledge of the person’s housing status  
5 may verify the person’s status for purposes of this subdivision. A  
6 determination of eligibility pursuant to this subdivision shall be  
7 subject to regulations adopted by the department. A person  
8 applying for an identification card under this subdivision shall not  
9 be charged a fee for verification of their eligibility.

10 (e) All fees received pursuant to this section shall be deposited  
11 in the Motor Vehicle Account.

12 (f) For purposes of this section, the following definitions apply:

13 (1) A “homeless child or youth” has the same meaning as the  
14 definition of “homeless children and youths” as set forth in the  
15 federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
16 Sec. 11301 et seq.).

17 (2) A “homeless person” has the same meaning as the definition  
18 set forth in the federal McKinney-Vento Homeless Assistance Act  
19 (42 U.S.C. Sec. 11301 et seq.).

20 (3) A “homeless services provider” includes:

21 (A) A governmental or nonprofit agency receiving federal, state,  
22 or county or municipal funding to provide services to a “homeless  
23 person” or “homeless child or youth,” or that is otherwise  
24 sanctioned to provide those services by a local homeless continuum  
25 of care organization.

26 (B) An attorney licensed to practice law in this state.

27 (C) A local educational agency liaison for homeless children  
28 and youth designated as such pursuant to Section 11432 (g)(1)(J)(ii)  
29 of Title 42 of the United States Code, or a school social worker.

30 (D) A human services provider or public social services provider  
31 funded by the State of California to provide homeless children or  
32 youth services, health services, mental or behavioral health  
33 services, substance use disorder services, or public assistance or  
34 employment services.

35 (E) A law enforcement officer designated as a liaison to the  
36 homeless population by a local police department or sheriff’s  
37 department within the state.

38 (F) Any other homeless services provider that is qualified to  
39 verify an individual’s housing status, as determined by the  
40 department.

- 1 (g) The fee for an original, duplicate, or renewal identification  
2 card or driver’s license issued to an inmate upon release from a  
3 state or federal correctional facility or a county jail facility is eight  
4 dollars (\$8).
- 5 (h) The fee for a replacement identification card issued to an  
6 eligible patient treated in a facility of the State Department of State  
7 Hospitals is eight dollars (\$8). For purposes of this subdivision,  
8 “eligible patient” means a patient who meets all of the following  
9 requirements:
  - 10 (1) The patient previously held a California driver’s license or  
11 identification card.
  - 12 (2) The patient has a usable photo on file with the department  
13 that is not more than 10 years old.
  - 14 (3) The patient has no outstanding fees due for a prior California  
15 identification card.
  - 16 (4) The patient has provided, and the department has verified,  
17 their true full name, date of birth, social security number, and legal  
18 presence in the United States.
  - 19 (5) The patient is currently preparing to be unconditionally  
20 discharged from a facility of the State Department of State  
21 Hospitals, or through a conditional release program.
  - 22 (6) The patient has provided the department, upon application,  
23 a verification of their eligibility under this subdivision that meets  
24 all of the following requirements:
    - 25 (A) Be on State Department of State Hospitals letterhead.
    - 26 (B) Be typed or computer generated.
    - 27 (C) Contain the patient’s name.
    - 28 (D) Contain the patient’s date of birth.
    - 29 (E) Contain the original signature of an official from the State  
30 Department of State Hospitals.
    - 31 (F) Be dated within 90 days of the date of application.