

Senate Bill No. 629

Passed the Senate September 3, 2021

Secretary of the Senate

Passed the Assembly September 2, 2021

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2021, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3007.05 of the Penal Code, and to amend Section 14902 of the Vehicle Code, relating to identification cards.

LEGISLATIVE COUNSEL'S DIGEST

SB 629, Roth. Identification cards.

(1) Existing law requires the Department of Corrections and Rehabilitation and the Department of Motor Vehicles to ensure that any eligible inmate released from state prison has a valid identification card. Existing law defines “eligible inmate,” in part, as a person who has previously held a California driver’s license or identification card, who has a usable photo on file with the Department of Motor Vehicles that is not more than 10 years old, who has no outstanding fees due for a prior identification card, and who meets certain requirements, including that they have provided, and the Department of Motor Vehicles has verified, specified information, such as the inmate’s true full name.

This bill would delete the requirements that the usable photo on file be no more than 10 years old and that the person have no outstanding fees due for a prior identification card, would require a new photo to be taken if the photo on file is deemed unusable, and would require the inmate to provide, and the Department of Motor Vehicles to verify, their California residency for purposes of obtaining an identification card. The bill would expand the definition of “eligible inmate” to include a person who has not previously held a California driver’s license or identification card, and who meets specified requirements, including that they have signed and verified their application for an identification card. The bill would also authorize the Department of Corrections and Rehabilitation and the Department of Motor Vehicles to provide a renewed driver’s license in lieu of an identification card if the inmate meets specified criteria. The bill would require the Department of Corrections and Rehabilitation to provide an inmate with a photo prison identification card if a valid identification card is not obtained prior to release. The bill would require the Department of Corrections and Rehabilitation, to the extent

administratively feasible and within available resources, to facilitate the process between an eligible inmate and the agencies holding documentation required for the issuance of an identification card, as specified.

(2) Existing law requires, upon an application for an identification card, a fee of \$26 to be paid to the Department of Motor Vehicles, except as specified, including that a fee not be charged for an original or replacement identification card for certain individuals, such as senior citizens or a person who can verify their status as a homeless person or homeless child or youth. Existing law provides for a reduced fee of \$8 for a replacement identification card issued to an eligible inmate, as defined, upon release from a state or federal correctional facility or a county jail facility. Existing law requires, as part of eligibility for the reduced fee, among other things, that the person previously held a California driver's license or identification card, and that the person has provided the Department of Motor Vehicles, upon application, a specified verification. In the case of an inmate, existing law requires that verification to be on state or federal correctional facility letterhead or county sheriff letterhead, and to contain the original signature of an official from those respective entities.

Upon release from a state correctional facility, this bill would instead establish a fee of \$8 for an original or replacement identification card issued to an eligible inmate, as defined, who meets certain requirements, including that the inmate has provided the department, upon application, a specified verification on state correctional facility letterhead that contains a signature of an official from the facility.

This bill would also make technical, nonsubstantive changes to those provisions.

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

SECTION 1. Section 3007.05 of the Penal Code is amended to read:

3007.05. (a) (1) The Department of Corrections and Rehabilitation and the Department of Motor Vehicles shall ensure that an eligible inmate, as defined under subdivision (b), released from a state prison has a valid identification card, issued pursuant

to Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code.

(2) To the extent administratively feasible and within available resources, the Department of Corrections and Rehabilitation shall facilitate the process between the inmate and the agencies holding documentation required for an inmate identified under subdivision (b) to obtain a California identification card, such as a birth certificate or social security number, including, but not limited to, the provision of any necessary notary services, assistance with obtaining necessary forms, and correspondence.

(b) For purposes of this section, “eligible inmate” means an inmate who is applying for an original or replacement identification card and meets all of the requirements described under subdivision (c) or (d).

(c) (1) The inmate has previously held a California driver’s license or identification card.

(2) (A) The inmate has a usable photo on file with the Department of Motor Vehicles.

(B) If the photo is deemed unusable, the inmate shall have a new photo taken.

(3) The inmate has provided, and the Department of Motor Vehicles has verified, all of the following information:

(A) The inmate’s true full name.

(B) The inmate’s date of birth.

(C) The inmate’s social security number.

(D) The inmate’s legal presence in the United States.

(E) California residency.

(d) (1) The inmate has not previously held a California driver’s license or identification card.

(2) The inmate has signed and verified their application for an identification card under the penalty of perjury.

(3) The inmate has a usable photo taken.

(4) The inmate has provided a legible print of their thumb or finger.

(5) The inmate has provided acceptable proof of the information described under subparagraphs (A) to (E), inclusive, of paragraph (3) of subdivision (c), and that information is subject to verification by the Department of Motor Vehicles.

(e) The fee for an original or replacement identification card issued to an eligible inmate pursuant to this section shall be

consistent with the fee set forth under subdivision (h) of Section 14902 of the Vehicle Code.

(f) (1) The Department of Corrections and Rehabilitation and Department of Motor Vehicles may provide a renewed driver's license in lieu of an identification card if the inmate meets the eligibility criteria specified in Section 12814.5 of the Vehicle Code and is otherwise eligible for the issuance of a driver's license. An inmate receiving a driver's license shall be responsible for paying the difference between the cost of the driver's license and the reduced fee for a California identification card.

(2) This subdivision shall apply to an inmate whose driving privilege was valid within the prior 10 years.

(3) Nothing in this section shall be interpreted as removing the examination discretion of the Department of Motor Vehicles under Section 12814 of the Vehicle Code.

(g) If a valid California identification card is not obtained before release, the Department of Corrections and Rehabilitation shall provide the inmate with a photo prison identification card. It is the intent of the Legislature that as many inmates as possible be provided with a valid California identification card or driver's license.

(h) The Department of Corrections and Rehabilitation shall assist a person who is exonerated as to a conviction for which the person is serving a state prison sentence at the time of exoneration with all of the following:

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

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

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

(B) Exonerated persons who are ineligible for CalFresh benefits pursuant to the federal Supplemental Nutrition Assistance Program

limitation specified in Section 2015(o) of Title 7 of the United States Code shall be given priority for receipt of the 15-percent exemption specified in Section 2015(o)(6) of Title 7 of the United States Code. The State Department of Social Services shall issue guidance to counties regarding that requirement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 2. Section 14902 of the Vehicle Code is amended to read:

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

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

(c) The fee for an original or replacement identification card issued to a person who has been determined to have a current income level that meets the eligibility requirements for assistance programs under Chapter 2 (commencing with Section 11200) or Chapter 3 (commencing with Section 12000) of Part 3 of, or Part 5 (commencing with Section 17000) of, or Article 9 (commencing with Section 18900) of Chapter 10 of Part 6 of, or Chapter 10.1 (commencing with Section 18930) or Chapter 10.3 (commencing with Section 18937) of Part 6 of, Division 9 of the Welfare and Institutions Code shall be six dollars (\$6). The determination of

eligibility under this subdivision shall be made by a governmental or nonprofit entity, which shall be subject to regulations adopted by the department.

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

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

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

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

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

(3) A "homeless services provider" includes:

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

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

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

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

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

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

(g) The fee for a replacement identification card issued to an eligible inmate upon release from a federal correctional facility or a county jail facility is eight dollars (\$8). For purposes of this subdivision, "eligible inmate" means an inmate who meets all of the following requirements:

(1) The inmate previously held a California driver's license or identification card.

(2) The inmate has a usable photo on file with the department that is not more than 10 years old.

(3) The inmate has no outstanding fees due for a prior California identification card.

(4) The inmate has provided, and the department has verified, their true full name, date of birth, social security number, and legal presence in the United States.

(5) The inmate currently resides in a federal correctional facility or a county jail facility.

(6) The inmate has provided the department, upon application, a verification of their eligibility under this subdivision that meets all of the following requirements:

(A) Be on federal correctional facility letterhead or county sheriff letterhead.

(B) Be typed or computer generated.

(C) Contain the inmate's name.

(D) Contain the inmate's date of birth.

(E) Contain the original signature of an official from the federal correctional facility or county sheriff's office.

(F) Be dated within 90 days of the date of application.

(h) The fee for an original or replacement identification card issued to an eligible inmate upon release from a state correctional facility is eight dollars (\$8). For purposes of this subdivision, "eligible inmate" has the same meaning as that term is defined under subdivision (b) of Section 3007.05 of the Penal Code, and meets both of the following requirements:

(1) The inmate currently resides in a facility housing inmates under the control of the Department of Corrections and Rehabilitation.

(2) The inmate has provided the department, upon application, a verification of their eligibility under this subdivision that meets the requirements described under subparagraphs (A) to (D), inclusive, and (F) of paragraph (6) of subdivision (g) and contains the signature of an official from the state facility.

(i) The fee for a replacement identification card issued to an eligible patient treated in a facility of the State Department of State Hospitals is eight dollars (\$8). For purposes of this subdivision, “eligible patient” means a patient who meets all of the following requirements:

(1) The patient previously held a California driver’s license or identification card.

(2) The patient has a usable photo on file with the department that is not more than 10 years old.

(3) The patient has no outstanding fees due for a prior California identification card.

(4) The patient has provided, and the department has verified, their true full name, date of birth, social security number, and legal presence in the United States.

(5) The patient is currently preparing to be unconditionally discharged from a facility of the State Department of State Hospitals, or through a conditional release program.

(6) The patient has provided the department, upon application, a verification of their eligibility under this subdivision that meets all of the following requirements:

(A) Be on State Department of State Hospitals letterhead.

(B) Be typed or computer generated.

(C) Contain the patient’s name.

(D) Contain the patient’s date of birth.

(E) Contain the original signature of an official from the State Department of State Hospitals.

(F) Be dated within 90 days of the date of application.

Approved _____, 2021

Governor