

SENATE BILL 77

R4, E2

(PRE-FILED)

0lr1119
CF HB 1553

By: **Senator Ellis**

Requested: October 30, 2019

Introduced and read first time: January 8, 2020

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2020

CHAPTER _____

1 AN ACT concerning

2 ~~Identification Cards and Driver's License Renewals~~ Important Documents and
3 Identification Cards – Inmates

4 FOR the purpose of ~~repealing a certain requirement that the Commissioner of Correction~~
5 ~~adopt certain regulations; repealing a certain requirement that the Commissioner of~~
6 ~~Correction issue a certain identification card to an inmate on release from a~~
7 ~~correctional facility; requiring the Motor Vehicle Administration to issue an~~
8 ~~identification card that meets certain requirements to an inmate on release from a~~
9 ~~correctional facility; requiring the Administration, in consultation with the~~
10 ~~Commissioner of Correction, to adopt certain regulations; providing that a license~~
11 ~~held by an inmate in a correctional facility remains in full force and effect during the~~
12 ~~inmate's term of confinement; requiring the Administration to renew an inmate's~~
13 ~~license on release from a correctional facility under certain circumstances; and~~
14 ~~generally relating to identification cards and driver's license renewals for released~~
15 ~~inmates~~ requiring the Commissioner of Correction to begin a certain process to
16 obtain a certain inmate's birth certificate on taking custody of the inmate; requiring
17 the Commissioner to provide a certain inmate with the inmate's birth certificate
18 before release from confinement in a State correctional facility under certain
19 circumstances; requiring the Commissioner to apply to obtain a certain inmate's
20 Social Security card at the earliest date possible in accordance with a certain
21 memorandum of understanding or as soon as is practicable; providing that the
22 Commissioner may not obtain certain documents under certain circumstances;
23 requiring each local correctional facility to develop and implement a certain policy;
24 requiring the Motor Vehicle Administration to issue a certain identification card at

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



no cost to a certain individual under certain circumstances; requiring the Department of Public Safety and Correctional Services to report certain information to the General Assembly on or before a certain date each year; providing for the termination of certain provisions of this Act; and generally relating to important documents and identification cards for released inmates.

~~BY repealing and reenacting, without amendments,~~

~~Article — Correctional Services~~

~~Section 1—101(a), (d), and (i)~~

~~Annotated Code of Maryland~~

~~(2017 Replacement Volume and 2019 Supplement)~~

~~BY repealing and reenacting, with amendments,~~

~~Article — Correctional Services~~

~~Section 9—609~~

~~Annotated Code of Maryland~~

~~(2017 Replacement Volume and 2019 Supplement)~~

~~BY repealing~~

~~Article — Correctional Services~~

~~Section 9—609.1~~

~~Annotated Code of Maryland~~

~~(2017 Replacement Volume and 2019 Supplement)~~

BY repealing and reenacting, with amendments,

Article — Correctional Services

Section 9—609.1

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article — Correctional Services

Section 9—617

Annotated Code of Maryland

(2017 Replacement Volume and 2019 Supplement)

BY adding to

Article — Transportation

Section 12—301.1

Annotated Code of Maryland

(2012 Replacement Volume and 2019 Supplement)

~~BY repealing and reenacting, with amendments,~~

~~Article — Transportation~~

~~Section 16—115~~

~~Annotated Code of Maryland~~

~~(2012 Replacement Volume and 2019 Supplement)~~

1 BY adding to
2 Article – Transportation
3 Section 12–301.1(c)
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2019 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Correctional Services**

9 ~~1–101.~~

10 ~~(a) In this article the following words have the meanings indicated.~~

11 ~~(d) “Correctional facility” means a facility that is operated for the purpose of~~
12 ~~detaining or confining adults who are charged with or found guilty of a crime.~~

13 ~~(i) “Inmate” means an individual who is actually or constructively detained or~~
14 ~~confined in a correctional facility.~~

15 ~~9–609.~~

16 ~~(a) Whenever a date of release from confinement in a State correctional facility is~~
17 ~~a Saturday, Sunday, or legal holiday, the inmate shall be released on the first preceding~~
18 ~~day that is not a Saturday, Sunday, or legal holiday.~~

19 ~~(b) The Commissioner of Correction shall adopt regulations:~~

20 ~~(1) establishing a release plan for inmates upon release from confinement~~
21 ~~in a State correctional facility to help identify resources to assist inmates following release,~~
22 ~~including the provision of transportation from the facility for an inmate upon release;~~ and

23 ~~(2) implementing the provisions of § 9–609.1 of this subtitle concerning~~
24 ~~issuance of an identification card to inmates on release from confinement in a State~~
25 ~~correctional facility.~~

26 ~~§9–609.1.~~

27 (a) **(1)** The Commissioner of Correction shall issue an identification card to an
28 inmate before release from confinement in a State correctional facility.

29 ~~(b)~~ **(2)** The identification card issued under subsection (a) of this section shall
30 meet the requirements for secondary identification for the purpose of an identification card
31 issued by the Motor Vehicle Administration under § 12–301 of the Transportation Article.

(B) (1) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ON TAKING CUSTODY OF AN INMATE SENTENCED TO THE DIVISION OF CORRECTION, THE COMMISSIONER OF CORRECTION SHALL BEGIN THE PROCESS OF OBTAINING THE INMATE'S BIRTH CERTIFICATE.

(II) IF AN INMATE'S BIRTH CERTIFICATE IS OBTAINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER OF CORRECTION SHALL PROVIDE THE INMATE WITH THE BIRTH CERTIFICATE BEFORE RELEASE FROM CONFINEMENT IN A STATE CORRECTIONAL FACILITY.

(2) (I) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSIONER OF CORRECTION SHALL APPLY TO THE SOCIAL SECURITY ADMINISTRATION TO OBTAIN AN INMATE'S SOCIAL SECURITY CARD:

1. AT THE EARLIEST DATE POSSIBLE IN ACCORDANCE WITH ANY MEMORANDUM OF UNDERSTANDING BETWEEN THE DIVISION OF CORRECTION AND THE SOCIAL SECURITY ADMINISTRATION PROVIDING FOR THE ISSUANCE OF INMATE SOCIAL SECURITY CARDS; OR

2. AS SOON AS IS PRACTICABLE.

(II) IF AN INMATE'S SOCIAL SECURITY CARD IS OBTAINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COMMISSIONER OF CORRECTION SHALL PROVIDE THE INMATE WITH THE SOCIAL SECURITY CARD BEFORE RELEASE FROM CONFINEMENT IN A STATE CORRECTIONAL FACILITY.

(3) THE COMMISSIONER OF CORRECTION MAY NOT OBTAIN A DOCUMENT UNDER PARAGRAPH (1) OR (2) OF THIS SUBSECTION UNLESS THE INMATE CONSENTS IN WRITING TO THE COMMISSIONER OF CORRECTION OBTAINING THE DOCUMENT.

9-617.

EACH LOCAL CORRECTIONAL FACILITY SHALL DEVELOP AND IMPLEMENT A POLICY FOR ASSISTING INMATES TO OBTAIN IDENTIFICATION CARDS ISSUED BY THE MOTOR VEHICLE ADMINISTRATION UNDER § 12-301 OF THE TRANSPORTATION ARTICLE EITHER BEFORE OR AFTER RELEASE FROM CONFINEMENT.

Article – Transportation

12-301.1.

~~(A) IN THIS SECTION, "CORRECTIONAL FACILITY" AND "INMATE" HAVE THE MEANINGS STATED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~(B) THE ADMINISTRATION SHALL ISSUE AN IDENTIFICATION CARD TO AN INMATE BEFORE RELEASE FROM CONFINEMENT IN A CORRECTIONAL FACILITY.~~

~~(C) THE IDENTIFICATION CARD ISSUED UNDER SUBSECTION (B) OF THIS SECTION SHALL MEET THE REQUIREMENTS FOR SECONDARY IDENTIFICATION FOR THE PURPOSE OF AN IDENTIFICATION CARD ISSUED BY THE ADMINISTRATION UNDER § 12-301 OF THIS SUBTITLE.~~

~~(D) THE ADMINISTRATION, IN CONSULTATION WITH THE COMMISSIONER OF THE DIVISION OF CORRECTION IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.~~

(A) IN THIS SECTION, "DIVISION OF CORRECTION" MEANS THE DIVISION OF CORRECTION OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(B) THE ADMINISTRATION SHALL ISSUE AN IDENTIFICATION CARD UNDER § 12-301 OF THIS SUBTITLE AT NO COST TO AN INDIVIDUAL WHO APPLIES FOR AN IDENTIFICATION CARD AND PRESENTS:

(1) AN IDENTIFICATION CARD ISSUED BY THE DIVISION OF CORRECTION THAT DISPLAYS:

(I) THE INDIVIDUAL'S FULL NAME;

(II) A PHOTOGRAPH OF THE INDIVIDUAL; AND

(III) A UNIQUE IDENTIFICATION NUMBER ASSIGNED TO THE INDIVIDUAL BY THE DIVISION OF CORRECTION; AND

(2) THE INDIVIDUAL'S SOCIAL SECURITY CARD.

~~16-115.~~

~~(a) (1) Subject to paragraph (5) of this subsection, a license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee at the end of a period of not more than 8 years determined in regulations adopted by the Administration following the issuance of the license.~~

~~(2) Subject to paragraph (5) of this subsection, a license issued under this title to a driver under the age of 21 years shall expire not later than 60 days after the driver's 21st birthday.~~

~~(3) A license is renewable on the presentation of an application, the payment of the renewal fee required by § 16-111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection [(i)] (J) of this section:~~

~~(i) Within 6 months before its expiration; or~~

~~(ii) When a driver qualifies for a corrected license issued under § 16-114.1(c) of this subtitle.~~

~~(4) Except as provided in subsection [(f)] (G) of this section, the Administration may not renew an individual's license for more than one consecutive term without requiring the individual to appear in person at an office of the Administration.~~

~~(5) (i) If an applicant has temporary lawful status, the Administration may not issue to the applicant a license to drive for a period that extends beyond the expiration date of the applicant's authorized stay in the United States or, if there is no expiration date, for a period longer than 1 year.~~

~~(ii) Nothing contained in this paragraph may be construed to allow the issuance of a temporary license to drive for a period longer than the period described in this subsection.~~

~~(iii) The Administration shall indicate on the face and in the machine-readable zone of a temporary license to drive that the license is a temporary license to drive.~~

~~(6) A holder of a temporary license to drive who had temporary lawful status at the time of the issuance of the temporary license to drive shall present satisfactory documentary evidence of lawful status if the holder applies for issuance or renewal of any license to drive under this subtitle.~~

~~(b) At least 60 days before a license expires, the Administration shall mail to each licensee, at the last address of the licensee shown in the records of the Administration, notice of the date on which the license will expire.~~

~~(e) The Administration may renew a license within 1 year after the expiration date without requiring a driving test.~~

~~(d) (1) A license held by a member of the armed forces of the United States who is absent from this State on active service in the armed forces of the United States, or a dependent of the member who is residing with the member outside the State, shall remain in full force and effect during such absence.~~

~~(2) The license also shall remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the licensee's return to this State, or the member's discharge or separation from active service;~~

~~(i) If the licensee has in the licensee's immediate possession, together with the licensee's driver's license, papers indicating the member's active service outside this State or the member's discharge or separation; and~~

~~(ii) If the license is not otherwise suspended, revoked, or canceled under this title during the 30-day period.~~

~~(c) (1) A license held by an individual who is a member of the Foreign Service of the United States and is absent from the State due to employment in the Foreign Service, or a license held by the spouse or a dependent of the individual who is residing with the individual outside the State, shall remain in full force and effect during the absence.~~

~~(2) A license held by an individual described in paragraph (1) of this subsection shall also remain in effect, if it would otherwise have expired under this section, for a period of 30 days following the date of the individual's return to the State, or the individual's separation from employment in the Foreign Service of the United States if:~~

~~(i) The individual has in the individual's immediate possession, together with the individual's driver's license, documentation acceptable to the Administration indicating that:~~

~~1. The individual is a member of the Foreign Service of the United States, or the spouse or a dependent of a member of the Foreign Service of the United States and resides outside the State; or~~

~~2. The individual was formerly a member of the Foreign Service of the United States, or the spouse or a dependent of a former member of the Foreign Service, and has returned to the State on separation of the member from employment with the Foreign Service; and~~

~~(ii) The license is not otherwise suspended, revoked, or canceled under this title during the 30-day period.~~

~~(F) (1) IN THIS SUBSECTION, "CORRECTIONAL FACILITY" AND "INMATE" HAVE THE MEANINGS STATED IN § 1-101 OF THE CORRECTIONAL SERVICES ARTICLE.~~

~~(2) A LICENSE HELD BY AN INMATE CONFINED AT A CORRECTIONAL FACILITY SHALL REMAIN IN FULL FORCE AND EFFECT DURING THE INMATE'S TERM OF CONFINEMENT.~~

~~(3) THE ADMINISTRATION SHALL RENEW AN INMATE'S LICENSE BEFORE RELEASE FROM CONFINEMENT IN A CORRECTIONAL FACILITY IF THE LICENSE:~~

~~(I) WOULD OTHERWISE HAVE EXPIRED UNDER THIS SECTION; AND~~

~~(H) IS NOT OTHERWISE SUSPENDED, REVOKED, OR CANCELED UNDER THIS TITLE.~~

~~[(f)] (G) If a licensee is absent from this State for cause, other than as provided in subsection (d) of this section, and is unable to renew the licensee's license in the manner required by this section, the licensee may renew by mail to the Administration. The renewal application shall be accompanied by the prescribed fee and a statement giving the reason for and the expected length of the absence. On receipt of the application, the Administration may issue a regular license which bears a photo or a notation that it is valid without a photo until 15 days after the licensee first returns to this State.~~

~~[(g)] (H) An individual may not drive a motor vehicle on any highway in this State if the license issued to him under this title has expired.~~

~~[(h)] (I) An individual may not attempt to drive a motor vehicle on any highway in this State if the license issued to the individual under this title has expired.~~

~~[(i)] (J) (1) Except as provided in paragraphs (2) and (3) of this subsection, the Administration shall require every individual applying for renewal of a driver's license to pass a vision test as prescribed by the Administration.~~

~~(2) (i) The Administration shall accept a certification of acceptable visual acuity from a licensed physician or optometrist instead of requiring the actual test provided for in this subsection.~~

~~(ii) The examination for which certification is made shall take place within 12 months of the date of application for renewal.~~

~~(3) An individual at least 21 years of age but under the age of 40 years may apply for renewal of a driver's license electronically or by mail or other means authorized by the Administration without taking a vision test if the applicant has passed a vision test authorized by the Administration within the previous 9 years.~~

~~(4) (i) If the Administration has reason to believe that an individual is a safety hazard by reason of a vision deficiency, the Administration may require the vision test provided for in this subsection at a time other than renewal of a driver's license.~~

~~(ii) The Administration may adopt regulations to implement the provisions of this subsection.~~

~~[(j)] (K) Before the expiration of a driver's license, if the Administration has reason to believe that an individual is not a safety hazard, but the individual is unable to pass a required knowledge test or vision test, the Administration may extend the individual's privilege to drive for a period not to exceed 90 days.~~

~~[(k)] (L) (1) The Administration may not renew the driver's license of an applicant who has not paid all undisputed taxes and unemployment insurance contributions payable to the Comptroller or the Secretary of Labor or provided for payment in a manner satisfactory to the unit responsible for collection.~~

~~(2) The Administration shall cooperate with the Comptroller and the Maryland Department of Labor to develop procedures and adopt regulations in accordance with this section.~~

~~(3) Regulations adopted under this subsection shall require:~~

~~(i) The Comptroller to notify the Administration that an individual has not paid all undisputed taxes; and~~

~~(ii) The Maryland Department of Labor to notify the Administration that an individual has not paid all undisputed unemployment insurance contributions.~~

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Correctional Services

9–609.1.

(C) ON OR BEFORE JANUARY 5, 2022, AND EACH JANUARY 5 THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE PRECEDING CALENDAR YEAR:

(1) THE NUMBER OF IDENTIFICATION CARDS ISSUED TO INMATES UNDER THIS SECTION;

(2) THE NUMBER OF BIRTH CERTIFICATES OBTAINED FOR INMATES UNDER THIS SECTION, INCLUDING THE NUMBER OF BIRTH CERTIFICATES OBTAINED FROM EACH STATE;

(3) THE NUMBER OF SOCIAL SECURITY CARDS OBTAINED FOR INMATES UNDER THIS SECTION; AND

1 **(4) THE NUMBER OF INMATES RELEASED FROM A STATE**
2 **CORRECTIONAL FACILITY:**

3 **(I) WITH AN IDENTIFICATION CARD ISSUED UNDER § 12-301 OF**
4 **THE TRANSPORTATION ARTICLE;**

5 **(II) WITHOUT AN IDENTIFICATION CARD ISSUED UNDER §**
6 **12-301 OF THE TRANSPORTATION ARTICLE;**

7 **(III) WITH A BIRTH CERTIFICATE OBTAINED UNDER THIS**
8 **SECTION;**

9 **(IV) WITHOUT A BIRTH CERTIFICATE OBTAINED UNDER THIS**
10 **SECTION;**

11 **(V) WITH A SOCIAL SECURITY CARD OBTAINED UNDER THIS**
12 **SECTION; AND**

13 **(VI) WITHOUT A SOCIAL SECURITY CARD OBTAINED UNDER THIS**
14 **SECTION.**

15 **SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect**
16 **October 1, 2020. Section 2 of this Act shall remain effective for a period of 4 years and, at**
17 **the end of September 30, 2024, Section 2 of this Act, with no further action required by the**
18 **General Assembly, shall be abrogated and of no further force and effect.**

19 ~~**SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**~~
20 ~~**October 1, 2020.**~~

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.