

25104315D

HOUSE BILL NO. 2221

Offered January 13, 2025

Prefiled January 7, 2025

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; report.

Patrons—Cousins, Rasoul, Bennett-Parker, Cherry, Clark, Cole, Convirs-Fowler, Feggans, Glass, Henson, Hope, Jones, Keys-Gamarra, LeVere Bolling, Martinez, Price, Seibold, Shin, Taylor and Tran

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 Social Security~~ 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, in conjunction with the Department of Motor Vehicles, the State Registrar of Vital Records, and any other relevant government agency, provide such prisoner with a certified copy of his birth certificate, his social security card, and a government-issued identification card.~~ 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. *The form shall include (i) a photograph of the prisoner; (ii) the prisoner's full name; (iii) the prisoner's date of birth; (iv) the address of the facility in which the prisoner resided at the time of his release or discharge; (v) the prisoner's release address; and (vi) if available, the prisoner's citizenship or residency status and Social Security number. Such form shall serve as proof of identity, proof of legal presence in the United States, two proofs of residency, or proof of a Social Security number as required to obtain a government-issued identification card for the 120 days immediately following the release or discharge of the prisoner identified on such form.* If the Department receives a government-issued identification card, birth certificate, or ~~Social Security~~ social security card for a prisoner after his release or discharge, the Department shall forward such identification or document to the prisoner. 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 Social Security~~ 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, in conjunction with the Department of Motor Vehicles, the State Registrar of Vital Records, and any other relevant government agency, provide such prisoner with a certified copy of his birth certificate, his social security card, and a government-issued identification card, 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 prisoner is unable to obtain a government-issued identification card prior to his release or discharge, the sheriff, superintendent, or administrator shall provide the prisoner with an offender identification form. The form shall include (i) a photograph of the prisoner; (ii) the prisoner's full name; (iii) the prisoner's date of birth; (iv) the address of the facility in which the prisoner resided at the time of his release or discharge; (v) the prisoner's release address; and (vi) if available, the prisoner's citizenship or residency status and Social Security number. Such form shall serve as proof of identity, proof of legal presence in the United States, two proofs of residency, or proof of a Social Security number as required to obtain a government-issued identification card for the 120 days immediately following the release of the prisoner identified on such form.* If the sheriff, jail superintendent, or other jail administrator receives a government-issued identification card, birth certificate, or ~~Social Security~~ social security card for a prisoner after his release or discharge, the sheriff, superintendent, or administrator shall make reasonable efforts to ensure that the prisoner obtains possession of such identification or document. The sheriff, jail superintendent, or other jail administrator may establish a procedure for securing such identification through the Department of Motor Vehicles. 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

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58 by the jail.

59 **2. That the Department of Corrections, in coordination with the State Board of Local and Regional**
60 **Jails, the Department of Motor Vehicles, and the State Registrar of Vital Records, shall (i) identify the**
61 **number of prisoners released with and without identification cards; (ii) review the processes involved**
62 **in assisting a prisoner in applying for and obtaining a government-issued identification card, birth**
63 **certificate, or social security card as required pursuant to §§ 53.1-31.4 and 53.1-116.1:02 of the Code of**
64 **Virginia, as amended by this act; (iii) identify any obstacles that may interfere with a prisoner**
65 **obtaining such identification or documents prior to such prisoner's release or discharge; and (iv) issue**
66 **a report of its findings and recommendations to the General Assembly no later than November 1, 2025.**

67 **3. That the State Board of Local and Regional Jails shall create and distribute to all local and regional**
68 **correctional facilities an offender identification form pursuant to § 53.1-116.1:02 of the Code of**
69 **Virginia, as amended by this act.**

70 **4. That (i) no later than July 1, 2026, the State Board of Local and Regional Jails (the State Board)**
71 **shall implement the procedures for a prisoner to obtain a birth certificate, government-issued**
72 **identification, and social security card as required by § 53.1-116.1:02 of the Code of Virginia, as**
73 **amended by this act, in at least five local or regional correctional facilities in various regions of the**
74 **Commonwealth; (ii) no later than July 1, 2028, the State Board shall implement such procedures in an**
75 **additional five local or regional correctional facilities in various regions of the Commonwealth; and**
76 **(iii) no later than July 1, 2030, the State Board shall implement such procedures in all local and**
77 **regional correctional facilities throughout the Commonwealth.**