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HOUSE BILL NO. 2221

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Public Safety
on January 31, 2025)

(Patron Prior to Substitute—Delegate Cousins)

A BILL to amend and reenact § 53.1-31.4 of the Code of Virginia, relating to prisoners; Department of Corrections-issued identification; work group; report.

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-31.4 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-31.4. Government-issued identification; Department of Corrections-issued identification.

Prior to the release or discharge into the community 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 into the community, 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 be verified by the Department and 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.

For the purposes of this section, "government-issued identification card" does not include a REAL ID credential.

2. That the Department of Corrections, in coordination with the State Board of Local and Regional Jails, shall form a work group to (i) develop policies for state, local, and regional correctional facilities to assess the number of prisoners with or without identification; (ii) study procedures for assisting and the implementation of procedures to assist a prisoner in a local or regional correctional facility in applying for and obtaining a government-issued identification card; (iii) 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 of the Code of Virginia, as amended by this act, and § 53.1-116.1:02 of the Code of Virginia; and (iv) identify any obstacles that may interfere with a prisoner obtaining such identification or documents prior to such prisoner's release or discharge into the community. The work group shall be composed of representatives of the Department of Motor Vehicles, the Virginia Sheriffs' Association, and the Virginia Association of Regional Jails, at least one member of the General Assembly, and members from at least two advocacy groups that work with formerly incarcerated persons who were recently released from local or regional correctional facilities. The work group shall issue a report of its findings and recommendations to the Secretary of Health and Human Services, the Secretary of Public Safety and Homeland Security, the Secretary of Transportation, and the Chairmen of the House Committees on Appropriations and Public Safety, and the Senate Committees on Rehabilitation and Social Services and Finance and Appropriations no later than November 1, 2025.

HOUSE SUBSTITUTE

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