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HOUSE BILL NO. 2221
AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 24, 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; 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.

A. 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. If the prisoner is unable to obtain a government-issued identification card 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, or a government-issued identification card unless such provision of a government-issued identification card is not possible, in which case, 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 legal presence in the United States and social security number. Such form shall be verified by the Department and provided to the Department of Motor Vehicles in a secured format and by a means mutually agreed upon by the Department and the Department of Motor Vehicles and shall, subject to procedures established pursuant to subsection B, serve as proof of identity and proof of Virginia residency and may serve as proof of legal presence in the United States or proof of a social security number, if one is available, 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 former 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.

B. *The Department and the Department of Motor Vehicles shall cooperatively establish procedures for verifying a Department of Corrections Offender Identification form and all information contained therein. The Department of Motor Vehicles shall not accept a Department of Corrections Offender Identification form if the form or any of the information contained on the form cannot be verified.*

2. That the provisions of the first enactment of this act shall become effective on July 1, 2026.

3. That the Department of Corrections, in coordination with the State Board of Local and Regional Jails, the Department of Motor Vehicles, and the State Registrar of Vital Records, shall (i) identify the number of prisoners released with and without identification cards; (ii) 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, as amended by this act, and 53.1-116.1:02 of the Code of Virginia; (iii) identify any obstacles that may interfere with a prisoner obtaining such identification or documents prior to such prisoner's release or discharge; and (iv) issue a report of its findings and recommendations to the General Assembly no later than November 1, 2025.

HOUSE SUBSTITUTE

HB2221H2