

# Legislative Analysis



## DRIVER'S LICENSE OR STATE ID CARD FOR PRISONER BEING RELEASED ON PAROLE

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5380 as introduced**  
**Sponsor: Rep. Abraham Aiyash**

Analysis available at  
<http://www.legislature.mi.gov>

**House Bill 5381 as introduced**  
**Sponsor: Rep. Tommy Brann**

**House Bill 5382 as introduced**  
**Sponsor: Rep. Felicia Brabec**

**House Bill 5383 as introduced**  
**Sponsor: Rep. Douglas Wozniak**

**Committee: Transportation**  
**Revised 2-7-22**

### SUMMARY:

House Bills 5380 to 5383 would amend different acts to require the Department of Corrections to apply for a driver's license or state personal ID card on behalf of a prisoner who is scheduled to be released on parole and to provide procedures for the secretary of state to follow in processing and, if applicable, issuing and delivering the license or card. The Department of Corrections would have to give the license or card to the individual when he or she is released on parole. As described in **Fiscal Impact**, below, the bills would codify current procedures followed by the Department of Corrections and the secretary of state for providing state personal ID cards or driver's licenses to offenders upon their release from prison.

**House Bill 5382** would amend the Corrections Code, which now requires the Department of Corrections, by contract or otherwise, to assist prisoners with reentry into the community by assisting and (subject to security needs) reasonably allowing them to obtain a Social Security card or Social Security number verification, if possible, as well as identification documents that, combined with a prisoner ID card, will satisfy application requirements for obtaining a driver's license or state ID card. The bill would change "reasonably allowing" to "assisting" in these provisions.

The bill also would add that the Department of Corrections, by contract or otherwise, must assist a prisoner with reentry into the community by doing both of the following at least 60 days before the prisoner is scheduled to be released on parole:

- Collecting application documents, to the extent possible, and a photograph of the prisoner required for a driver's license or state ID card.
- Sending the secretary of state those documents, the photograph, and the projected date the prisoner will be released on parole.

At the time an individual is released on parole, the Department of Corrections would have to provide the individual with any driver's license or state ID card received from an application made as described above.

MCL 791.234c

**House Bills 5380 and 5381** would respectively amend 1972 PA 222 (known as the official state personal identification card act) and the Michigan Vehicle Code to provide procedures for the secretary of state to follow in processing an application made under HB 5382 for a driver's license or state ID card, as applicable.

Under the bills, beginning October 1, 2022, upon receiving from the Department of Corrections the requisite application documents, a prisoner's photograph, and the projected date the prisoner will be released on parole, the secretary of state, to the extent possible, would have to issue the prisoner a driver's license or state ID card if the prisoner is eligible. The secretary of state would have to deliver the license or card to the Department of Corrections before the projected date or, if the secretary of state could not do so and the prisoner is already released on parole, mail the license or card as soon as possible to the Department of Corrections.

The bills also would change "sex" to "gender" in the information required to be included in an application for a license or card.

Each bill would take effect 90 days after it is enacted.

HB 5380 (state ID cards): MCL 28.291

HB 5381 (driver's licenses): MCL 257.307

**House Bill 5383** would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to update a reference to a provision of 1972 PA 222 that would be renumbered by HB 5380. The bill would also correct a typographical error.

MCL 28.305

House Bills 5380, 5381, and 5382 are all tie-barred to one another, which means that none of them could take effect unless all of them were enacted. In addition, House Bill 5383 is tie-barred to House Bill 5380 and could not take effect unless that bill were enacted.

#### **FISCAL IMPACT:**

House Bills 5380, 5381, and 5382 would have no fiscal impact on the state or on local units of government. The bills would legislate current procedures followed by the Department of Corrections and the secretary of state for providing state personal ID cards or driver's licenses to offenders upon their release from prison. Although there are costs incurred by the Department of Corrections for obtaining state personal ID cards and driver's licenses, the costs are considered operational costs and are covered by the Department of Corrections existing appropriations for operations. The legislation would ensure that the process agreed to between the Department of Corrections and the secretary of state will continue into the future.

The Department of Corrections has worked closely with the Department of State over the past few years to develop and implement the program currently in place for issuing ID cards or driver's licenses. The program was created in the spring of 2020 and launched in the fall of 2020. The focus of the program is to issue driver's licenses to eligible offenders. If offenders are not eligible for driver's licenses, they are issued state personal ID cards. Employment counselors within the Department of Corrections assist offenders who are nearing their release dates with obtaining birth certificates, Social Security cards, state personal ID cards, and

driver's licenses. Counselors assist offenders with completing various applications and take photographs of offenders for their ID cards/licenses.

According to the Department of Corrections, 381 ID cards/licenses were secured for offenders in 2019, 715 were secured in 2020, and 4,831 were secured in 2021. The department's goal is to secure ID cards or driver's licenses for 95% of offenders being paroled. The department cannot reach a goal of 100% because there are times when offenders refuse the assistance, when offenders leave the Michigan correctional system to enter correctional systems in other states, or when obtaining necessary paperwork for offenders from other states is delayed.

House Bill 5383 would have no fiscal impact on the state or on local units of government.

Legislative Analyst: Rick Yuille  
Fiscal Analysts: Robin Risko  
Michael Cnossen

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.