

## 1 HOUSE BILL NO. 1405

## 2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Public Safety

4 on \_\_\_\_\_)

5 (Patrons Prior to Substitute--Delegates Cousins and Walker [HB 1061])

6 A BILL to amend and reenact §§ 53.1-31.4 and 53.1-116.1:02 of the Code of Virginia, relating to  
7 prisoners; Department of Corrections-issued and jailer-issued identification.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That §§ 53.1-31.4 and 53.1-116.1:02 of the Code of Virginia are amended and reenacted as follows:**10 **§ 53.1-31.4. Department of Corrections-issued identification.**

11 Prior to the release or discharge of any prisoner who has been confined for at least 90 days and  
12 does not possess a government-issued identification card, birth certificate, ~~and~~ or Social Security card, the  
13 Department shall provide the assistance necessary for such prisoner to apply for and obtain such  
14 identification and documents prior to his release or discharge, provided that the Department has or can  
15 readily obtain all records and information necessary for their issuance. If the prisoner is unable to obtain  
16 a government-issued identification card prior to his release or discharge, the Department shall provide the  
17 prisoner with a Department of Corrections Offender Identification form. If the Department receives a  
18 government-issued identification card, birth certificate, or Social Security card for a prisoner after his  
19 release or discharge, the Department shall forward such identification or document to the former prisoner.  
20 The Department shall establish a procedure for securing such identification through the Department of  
21 Motor Vehicles. The Department of Motor Vehicles shall expedite, to the extent possible, the processing  
22 of an application submitted by a prisoner for a government-issued identification card and the issuance of  
23 such identification. Unless the prisoner is determined to be indigent pursuant to § 19.2-159, all costs and  
24 fees associated with applying for and obtaining any identification or documents pursuant to this section  
25 shall be paid by the prisoner.

26 **§ 53.1-116.1:02. Jailer-issued identification.**

27 Prior to the release or discharge of any prisoner who has been confined for at least 90 days and  
28 does not possess a government-issued identification card, birth certificate, ~~and~~ or Social Security card, the  
29 sheriff, jail superintendent, or other jail administrator shall provide the assistance necessary for such  
30 prisoner to apply for and obtain such identification and documents prior to his release or discharge,  
31 provided that the sheriff, superintendent, or administrator has or can readily obtain all records and  
32 information necessary for their issuance and the prisoner has not declined an offer by the sheriff,  
33 superintendent, or administrator to provide such assistance. If the sheriff, jail superintendent, or other jail  
34 administrator receives a government-issued identification card, birth certificate, or Social Security card  
35 for a prisoner after his release or discharge, the sheriff, superintendent, or administrator shall make  
36 reasonable efforts to ensure that the former prisoner obtains possession of such identification or document.  
37 The sheriff, jail superintendent, or other jail administrator ~~may~~ shall establish a procedure for securing  
38 such identification through the Department of Motor Vehicles. The Department of Motor Vehicles shall  
39 expedite, to the extent possible, the processing of an application submitted by a prisoner for a government-  
40 issued identification card and the issuance of such identification. Unless the prisoner has funds in his  
41 account to cover all or part of the costs and fees associated with applying for and obtaining any  
42 identification or documents pursuant to this section, such costs shall be paid by the jail.

43 **2. That the Department of Corrections, in coordination with the State Board of Local and Regional**  
44 **Jails, the Department of Motor Vehicles, and the State Registrar of Vital Records, shall (i) review**  
45 **the processes involved in assisting a prisoner in applying for and obtaining a government-issued**  
46 **identification card, birth certificate, or Social Security card as required pursuant to §§ 53.1-31.4**  
47 **and 53.1-116.1:02 of the Code of Virginia, as amended by this act; (ii) identify any obstacles that**  
48 **may interfere with a prisoner obtaining such identification or documents prior to such prisoner's**  
49 **release or discharge; and (iii) issue a report of its findings and recommendations to the General**  
50 **Assembly no later than November 1, 2024.**

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