

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2083

BY DELEGATES PUSHKIN, SHOTT, MILEY, LOVEJOY AND

MILLER

[Passed March 9, 2019; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §17B-2-1c, relating to authorizing the Division of Corrections and
3 Rehabilitation to issue a temporary identification card to an inmate prior to release from
4 custody; providing when temporary identification cards must be issued and for how long
5 such cards are valid; providing that temporary identification cards have the same force
6 and effect as standard identification cards issued by the Division of Motor Vehicles;
7 requiring the Division of Motor Vehicles to accept temporary identification cards as proof
8 of identity, age, and residency; requiring the Division of Motor Vehicles to contact the
9 Division of Corrections and Rehabilitation to verify the social security number of a person
10 presenting a temporary identification card in certain circumstances and to accept
11 verification as documentation of social security number; requiring the Division of
12 Corrections and Rehabilitation to develop a policy and obtain necessary authorizations for
13 sharing social security numbers of released inmates with the Division of Motor Vehicles
14 for limited purposes; providing limitations on inmate eligibility for temporary identification
15 cards; clarifying that the new section neither permits nor requires issuance of temporary
16 identification cards for federal use, in violation of any standards promulgated pursuant to
17 the federal Real ID Act of 2005; and requiring the Division of Corrections and
18 Rehabilitation to make efforts, during the six months preceding an inmate's release, to
19 assist an inmate in obtaining certain personal identification documents.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION, AND RENEWAL.

§17B-2-1c. Temporary identification card for released inmates.

1 (a) The West Virginia Division of Corrections and Rehabilitation is authorized to issue a
2 temporary identification card to an eligible inmate, no more than seven days prior to the inmate's
3 release from the Division's custody. An identification card issued pursuant to this section shall be
4 valid for 90 days after the date of issuance.

5 (b) A valid identification card issued pursuant to this section shall have the same force and
6 effect as a standard identification card issued by the Division of Motor Vehicles pursuant to
7 §17B-2-1(f) of this code.

8 (c)(1) Notwithstanding any other provision of this code, the Division of Motor Vehicles shall
9 accept a valid identification card issued pursuant to this section as sufficient proof of identity, age,
10 and residency of a person applying for an identification card or driver's license pursuant to
11 §17B-2-1 of this code.

12 (2) If the Division of Motor Vehicles is unable to verify the person's social security number
13 by another means, the Division of Motor Vehicles shall contact the Division of Corrections and
14 Rehabilitation to verify the social security number provided by such person. The Division of Motor
15 Vehicles shall accept verification by the Division of Corrections and Rehabilitation as sufficient
16 documentation of the person's social security number for the purpose of issuing such person an
17 identification card or driver's license pursuant to §17B-2-1 of this code.

18 (3) The Division of Corrections and Rehabilitation, in collaboration with the Division of
19 Motor Vehicles, shall develop a policy to permit the sharing of released inmates' social security
20 numbers for the limited purposes of this section, and shall obtain any necessary written
21 authorization from an inmate prior to the inmate's release from the Division of Corrections and
22 Rehabilitation's custody.

23 (d) An inmate is not eligible to receive an identification card pursuant to this section if the
24 inmate is in possession of a valid West Virginia identification card or driver's license, which expires
25 more than seven days after the inmate's date of release from the Division of Corrections and
26 Rehabilitation's custody, or if the inmate is not a citizen of the United States.

27 (e) Nothing in this section shall be construed to permit or require issuance of an
28 identification card or driver's license for federal use, in violation of the standards promulgated
29 pursuant to the REAL ID Act of 2005, 49 U.S.C. § 30301 *et seq.*

30 (f) During the six months preceding an inmate's release date from the Division of
31 Corrections and Rehabilitation's custody, the division shall make efforts to assist the inmate to
32 obtain a certified copy of the inmate's birth certificate, a Social Security card, and a state-issued
33 driver's license or identification card.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor