

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5628**

By Delegate Rowe

[Introduced February 12, 2024; Referred to the  
Committee on Technology and Infrastructure then the  
Judiciary]

1 A BILL to amend and reenact §17B-2-1c of the Code of West Virginia, 1931, as amended,  
 2 requiring the Division of Corrections and Rehabilitation to obtain necessary identification  
 3 and employment documents for an inmate, to provide a photograph and this identifying  
 4 information to the Division of Motor Vehicles, to require the Division of Motor Vehicles to  
 5 issue a state identification card or any license that the inmate is qualified to hold, and to  
 6 require that the Division of Corrections and Rehabilitation provide this identification card or  
 7 license and all other necessary identification and employment documents to the inmate up  
 8 the inmate's release.

*Be it enacted by the Legislature of West Virginia:*

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

1 (a) (1) The West Virginia Division of Corrections and Rehabilitation is ~~authorized to issue a~~  
 2 ~~temporary identification card to an eligible inmate at no cost, no earlier than seven days prior to the~~  
 3 ~~inmate's release from the division's custody. An identification card issued pursuant to this section~~  
 4 ~~shall be valid for 180 days after the date of issuance~~ shall, in the six months preceding an inmate's  
 5 release date from the Division of Corrections and Rehabilitation's custody, assist the inmate to  
 6 obtain a certified copy of the inmate's birth certificate, a Social Security card, and all information  
 7 necessary for the inmate to be granted a state-issued driver's license or identification card, which  
 8 information may include identifying information obtained in the prosecution or incarceration of the  
 9 inmate. Upon the inmate's release, this information shall be provided to the inmate.

10 The Division of Corrections shall, within one month of an inmate's release, provide to the  
 11 Division of Motor Vehicles all required information required for a state identification card or any  
 12 license for which an inmate is qualified, including a Social Security card, birth certificate, any and  
 13 all marriage certificates and/or divorce decrees, or a court order granting a name change.

14 (2) The Division of Corrections shall also provide to the Division of Motor Vehicles, along  
 15 with the identifying information, a photograph of the inmate wearing a shirt that does not indicate  
 16 that the inmate is in the corrections system and in front of an appropriate background.

17           (3) The Division of Motor Vehicles shall issue, free of charge, any valid license or  
18 identification card for which the inmate is qualified and send this license or identification to the  
19 facility housing the inmate on or before one week before the inmate's scheduled release.

20           (4) The facility housing the inmate shall accept the delivery of the license of identification  
21 card for the inmate and provide this to the inmate upon his or her release.

22           ~~(b) A valid identification card issued pursuant to this section shall have the same force and~~  
23 ~~effect as a standard identification card issued by the Division of Motor Vehicles pursuant to §17B-~~  
24 ~~2-1(f) of this code~~

25           ~~(e)~~ (b) (1) Notwithstanding any other provision of this code, the Division of Motor Vehicles  
26 shall accept a valid identification card issued pursuant to this section as sufficient proof of identity,  
27 age, and residency of a person applying for an identification card or driver's license pursuant to  
28 §17B-2-1 of this code.

29           (2) If the Division of Motor Vehicles is unable to verify the person's Social Security number  
30 by another means, the Division of Motor Vehicles shall contact the Division of Corrections and  
31 Rehabilitation to verify the Social Security number provided by such person. The Division of Motor  
32 Vehicles shall accept verification by the Division of Corrections and Rehabilitation as sufficient  
33 documentation of the person's Social Security number for the purpose of issuing such person an  
34 identification card or driver's license pursuant to §17B-2-1 of this code.

35           (3) The Division of Corrections and Rehabilitation, in collaboration with the Division of  
36 Motor Vehicles, shall develop a policy to permit the sharing of released inmates' Social Security  
37 numbers for the limited purposes of this section, and shall obtain any necessary written  
38 authorization from an inmate prior to the inmate's release from the Division of Corrections and  
39 Rehabilitation's custody.

40           ~~(d)~~ (c) An inmate is not eligible to receive an identification card pursuant to this section if  
41 the inmate is in possession of a valid West Virginia identification card or driver's license, which  
42 expires more than 30 days after the inmate's date of release from the Division of Corrections and

43 Rehabilitation's custody, or if the inmate is not a citizen of the United States.

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

47       ~~(f) During the six months preceding an inmate's release date from the Division of~~  
48 ~~Corrections and Rehabilitation's custody, the division shall assist the inmate to obtain a certified~~  
49 ~~copy of the inmate's birth certificate, a Social Security card, and a state-issued driver's license or~~  
50 ~~identification card~~

NOTE: The purpose of this bill is to provide to released inmates the necessary identification information to be able to obtain employment upon release.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.