

INMATE IDENTIFICATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karianne Lisonbee**

Senate Sponsor: Todd D. Weiler

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**LONG TITLE**

**General Description:**

This bill requires the Department of Corrections to assist an inmate with access to identification materials.

**Highlighted Provisions:**

This bill:

- ▶ requires the Driver License Division to coordinate with the Department of Corrections in assisting an inmate in obtaining a temporary identification card, renewing or obtaining a duplicate of the inmate's driver license, or extending the inmate's regular identification card;
- ▶ requires the Department of Corrections to:
  - determine in the inmate's first 15 days of incarceration in a state correctional facility, and six months before an inmate's release, whether the inmate has a current state-issued identification and a copy of the inmate's birth certificate and social security card;
  - request a copy of the inmate's birth certificate or social security card; and
  - provide an inmate with necessary personal identification documentation for an application and to assist the inmate in applying for a temporary regular identification card, renewing a driver license or obtaining a duplicate driver license, or extending a regular identification card; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

## AMENDS:

**53-3-214**, as last amended by Laws of Utah 2019, Chapter 381

**53-3-805**, as last amended by Laws of Utah 2022, Chapter 158

**64-13-1**, as last amended by Laws of Utah 2021, Chapters 85, 246 and 260

**64-13-10.6**, as enacted by Laws of Utah 2015, Chapter 412

## ENACTS:

**64-13-10.4**, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53-3-214** is amended to read:

**53-3-214. Renewal -- Fees required -- Extension without examination.**

(1) (a) The holder of a valid license may renew the holder's license and any endorsement to the license by applying:

(i) at any time within six months before the license expires; or

(ii) more than six months prior to the expiration date if the applicant furnishes proof that the applicant will be absent from the state during the six-month period prior to the expiration of the license.

(b) The application for a renewal of, extension of, or any endorsement to a license shall be accompanied by a fee under Section **53-3-105**.

(2) (a) Except as provided under Subsections (2)(b) and (3), upon application for renewal of a regular license certificate, provisional license, and any endorsement to a regular license certificate, the division shall reexamine each applicant as if for an original license and endorsement to the license, if applicable.

(b) Except as provided under Subsection (2)(c), upon application for renewal of a limited-term license certificate, limited-term provisional license certificate, and any

endorsement to a limited-term license certificate, the division shall:

(i) reexamine each applicant as if for an original limited-term license certificate and endorsement to the limited-term license certificate, if applicable; and

(ii) verify through valid documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(c) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

(3) (a) (i) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a regular license certificate or any endorsement to the regular license certificate for eight years without examination for licensees whose driving records for the eight years immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than six reportable violations in the preceding eight years.

(ii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a provisional license and any endorsement to a provisional license for eight years without examination for licensees whose driving records for the five years immediately preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than four reportable violations in the preceding five years.

(iii) Except as provided under Subsections (3)(b) and (c), the division may renew or extend a limited term license and any endorsement to a limited term license for five years without examination for licensees whose driving records for the five years immediately

preceding the determination of eligibility for extension show:

(A) no suspensions;

(B) no revocations;

(C) no conviction for reckless driving under Section 41-6a-528; and

(D) no more than four reportable violations in the preceding five years.

(b) Except as provided in Subsection (3)(g), after the expiration of a regular license certificate, a new regular license certificate and any endorsement to a regular license certificate may not be issued until the person has again passed the tests under Section 53-3-206 and paid the required fee.

(c) After the expiration of a limited-term license certificate, a new limited-term license certificate and any endorsement to a limited-term license certificate may not be issued until the person has:

(i) again passed the tests under Section 53-3-206 and paid the required fee; and

(ii) presented documentary evidence that the status by which the individual originally qualified for the limited-term license certificate has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

(d) A person 65 years of age or older shall take and pass the eye examination specified in Section 53-3-206.

(e) An extension may not be granted to any person:

(i) who is identified by the division as having a medical impairment that may represent a hazard to public safety;

(ii) holding a CDL or limited-term CDL issued under Part 4, Uniform Commercial Driver License Act;

(iii) who is holding a limited-term license certificate; or

(iv) who is holding a driving privilege card issued in accordance with Section 53-3-207.

(f) The division shall allow extensions:

(i) by mail, electronic means, or other means as determined by the division at the appropriate extension fee rate under Section 53-3-105;

(ii) only if the applicant qualifies under this section; and

(iii) for only one extension.

(g) The division may waive any or all portions of the test designed to demonstrate the applicant's ability to exercise ordinary and reasonable control driving a motor vehicle.

(4) In accordance with this section, the division shall coordinate with the Department of Corrections in providing an inmate with access to a driver license certificate as described in Section 64-13-10.6.

Section 2. Section 53-3-805 is amended to read:

**53-3-805. Identification card -- Contents -- Specifications.**

(1) As used in this section:

(a) "Health care professional" means the same as that term is defined in Section 53-3-207.

(b) "Invisible condition" means the same as that term is defined in Section 53-3-207.

(c) "Invisible condition identification symbol" means the same as that term is defined in Section 53-3-207.

(2) (a) The division shall issue an identification card that bears:

(i) the distinguishing number assigned to the individual by the division;

(ii) the name, birth date, and Utah residence address of the individual;

(iii) a brief description of the individual for the purpose of identification;

(iv) a photograph of the individual;

(v) a photograph or other facsimile of the individual's signature;

(vi) an indication whether the individual intends to make an anatomical gift under Title 26, Chapter 28, Revised Uniform Anatomical Gift Act; and

(vii) if the individual states that the individual is a veteran of the United States military on the application for an identification card in accordance with Section 53-3-804 and provides verification that the individual received an honorable or general discharge from the United

States Armed Forces, an indication that the individual is a United States military veteran for a regular identification card or a limited-term identification card issued on or after July 1, 2011.

(b) An identification card issued by the division may not bear the individual's Social Security number or place of birth.

(3) (a) The card shall be of an impervious material, resistant to wear, damage, and alteration.

(b) Except as provided under Section 53-3-806, the size, form, and color of the card is prescribed by the commissioner.

(4) At the applicant's request, the card may include a statement that the applicant has a special medical problem or allergies to certain drugs, for the purpose of medical treatment.

(5) (a) The division shall include or affix an invisible condition identification symbol on an individual's identification card if the individual, on a form prescribed by the department:

(i) requests the division to include the invisible condition identification symbol;

(ii) provides written verification from a health care professional that the individual is an individual with an invisible condition; and

(iii) submits a signed waiver of liability for the release of any medical information to:

(A) the department;

(B) any person who has access to the individual's medical information as recorded on the individual's driving record or the Utah Criminal Justice Information System under this chapter; and

(C) any other person who may view or receive notice of the individual's medical information by seeing the individual's regular license certificate, limited-term license certificate, or driving privilege card or the individual's information in the Utah Criminal Justice Information System.

(b) As part of the form described in Subsection (5)(a), the department shall advise the individual that by submitting the request and signed waiver, the individual consents to the release of the individual's medical information to any person described in ~~Subsections (5)(a)(iii)(A) through (C)]~~ Subsection (5)(a)(iii), even if the person is otherwise ineligible to

access the individual's medical information under state or federal law.

(c) The division may not:

(i) charge a fee to include the invisible condition identification symbol on the individual's identification card; or

(ii) after including the invisible condition identification symbol on the individual's previously issued identification card, require the individual to provide subsequent written verification described in Subsection (5)(a)(ii) to include the invisible condition identification symbol on the individual's extended identification card.

(d) The inclusion of an invisible condition identification symbol on an individual's identification card in accordance with Subsection (5)(a) does not confer any legal rights or privileges on the individual, including parking privileges for individuals with disabilities under Section 41-1a-414.

(e) For each individual issued an identification card under this section that includes an invisible condition identification symbol, the division shall include in the division's database a brief description of the nature of the individual's invisible condition in the individual's record and provide the brief description to the Utah Criminal Justice Information System.

(f) Except as provided in this section, the division may not release the information described in Subsection (5)(e).

(g) Within 30 days after the day on which the division receives an individual's written request, the division shall:

(i) remove from the individual's record in the division's database the invisible condition identification symbol and the brief description described in Subsection (5)(e); and

(ii) provide the individual's updated record to the Utah Criminal Justice Information System.

(6) As provided in Section 63G-2-302, the information described in Subsection (5)(a) is a private record for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

(7) (a) The indication of intent under Subsection 53-3-804(2)(j) shall be authenticated

by the applicant in accordance with division rule.

(b) (i) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may, upon request, release to an organ procurement organization, as defined in Section 26-28-102, the names and addresses of all individuals who under Subsection 53-3-804(2)(j) indicate that they intend to make an anatomical gift.

(ii) An organ procurement organization may use released information only to:

(A) obtain additional information for an anatomical gift registry; and

(B) inform applicants of anatomical gift options, procedures, and benefits.

(8) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, the division may release to the Department of Veterans and Military Affairs the names and addresses of all individuals who indicate their status as a veteran under Subsection 53-3-804(2)(l).

(9) The division and the division's employees are not liable, as a result of false or inaccurate information provided under Subsection 53-3-804(2)(j) or (l), for direct or indirect:

(a) loss;

(b) detriment; or

(c) injury.

(10) (a) The division may issue a temporary regular identification card to an individual while the individual obtains the required documentation to establish verification of the information described in Subsections 53-3-804(2)(a), (b), (c), (d), and (i)(i).

(b) A temporary regular identification card issued under this Subsection (10) shall be recognized and grant the individual the same privileges as a regular identification card.

(c) A temporary regular identification card issued under this Subsection (10) is invalid:

(i) when the individual's regular identification card has been issued;

(ii) when, for good cause, an applicant's application for a regular identification card has been refused; or

(iii) upon expiration of the temporary regular identification card.

(d) The division shall coordinate with the Department of Corrections in providing an



inmate with a temporary regular identification card as described in Section [64-13-10.6](#).

Section 3. Section **64-13-1** is amended to read:

**64-13-1. Definitions.**

As used in this chapter:

(1) "Behavioral health transition facility" means a nonsecure correctional facility operated by the department for the purpose of providing a therapeutic environment for offenders receiving mental health services.

(2) "Case action plan" means a document developed by the Department of Corrections that identifies:

(a) the program priorities for the treatment of the offender, including the criminal risk factors as determined by risk, needs, and responsivity assessments conducted by the department; and

(b) clearly defined completion requirements.

(3) "Community correctional center" means a nonsecure correctional facility operated by the department, but does not include a behavioral health transition facility for the purposes of Section [64-13f-103](#).

(4) "Correctional facility" means any facility operated to house offenders in a secure or nonsecure setting:

(a) by the department; or

(b) under a contract with the department.

(5) "Criminal risk factors" means an individual's characteristics and behaviors that:

(a) affect the individual's risk of engaging in criminal behavior; and

(b) are diminished when addressed by effective treatment, supervision, and other support resources, resulting in a reduced risk of criminal behavior.

(6) "Department" means the Department of Corrections.

(7) "Direct supervision" means a housing and supervision system that is designed to meet the goals described in Subsection [64-13-14\(5\)](#) and has the elements described in Subsection [64-13-14\(6\)](#).

(8) "Emergency" means any riot, disturbance, homicide, inmate violence occurring in any correctional facility, or any situation that presents immediate danger to the safety, security, and control of the department.

(9) "Evidence-based" means a program or practice that has had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population or has been rated as effective by a standardized program evaluation tool.

(10) "Evidence-informed" means a program or practice that is based on research and the experience and expertise of the department.

(11) "Executive director" means the executive director of the Department of Corrections.

(12) "Inmate" means an individual who is:

(a) committed to the custody of the department; and

(b) housed at a correctional facility or at a county jail at the request of the department.

(13) "Offender" means an individual who has been convicted of a crime for which the individual may be committed to the custody of the department and is at least one of the following:

(a) committed to the custody of the department;

(b) on probation; or

(c) on parole.

(14) "Restitution" means the same as that term is defined in Section [77-38b-102](#).

(15) "Risk and needs assessment" means an actuarial tool validated on criminal offenders that determines:

(a) an individual's risk of reoffending; and

(b) the criminal risk factors that, when addressed, reduce the individual's risk of reoffending.

(16) "Secure correctional facility" means any prison, penitentiary, or other institution operated by the department or under contract for the confinement of offenders, where force may be used to restrain an offender if the offender attempts to leave the institution without

authorization.

(17) "State-issued driver license" means a driver license issued in accordance with Title 53, Chapter 3, Part 2, Driver Licensing Act, or an equivalent issued by another state.

(18) "State-issued identification card" means an identification card issued in accordance with Title 53, Chapter 3, Part 8, Identification Card Act, or an equivalent issued by another state.

Section 4. Section **64-13-10.4** is enacted to read:

**64-13-10.4. Entry of an inmate -- Identification application requests.**

(1) (a) Within 15 days after the date on which an inmate enters incarceration in a state correctional facility, and, if applicable, approximately six months before the date of the inmate's anticipated release as described in Subsection 64-13-10.6(3), the department shall determine whether the inmate has:

(i) a certified copy of the inmate's birth certificate;

(ii) a copy of the inmate's social security card; and

(iii) a current state-issued driver license or state-issued identification card.

(b) For any document described in Subsection (1)(a) that the inmate does not possess, the department shall:

(i) inform the inmate that each document listed in Subsection (1)(a) may be required to obtain employment upon release;

(ii) inquire whether the inmate would like to apply for and obtain any of the documents described in Subsection (1)(a); and

(iii) (A) if the inmate accepts assistance in obtaining the documents described in Subsection (1)(a), subject to Subsection (5), provide the assistance described in Subsections (2) through (4) within 30 days after the date on which the inmate accepts assistance; or

(B) if the inmate refuses assistance in obtaining the documents described in Subsection (1)(a), maintain a record of the inmate's refusal in the department's electronic file management system.

(2) (a) If an inmate was born in the United States and accepts assistance in obtaining a

certified copy of the inmate's birth certificate, the department shall:

(i) request that the inmate pay the fee for obtaining the certified copy of the inmate's birth certificate; or

(ii) if the department determines that the inmate is unable to pay the fee as described in Subsection (2)(a)(i), determine whether funds are available from a private donation and use the private donation to pay the fee.

(b) If funds are available to pay the fee for obtaining a certified copy of a birth certificate as described in Subsection (2)(a), the department shall request a certified copy of the inmate's birth certificate from the inmate's state of birth.

(3) If an inmate accepts assistance in obtaining a copy of the inmate's social security card and does not have a copy of the inmate's social security card, the department shall coordinate with the Social Security Administration in obtaining a copy of the inmate's social security card, unless the inmate previously requested the maximum number of yearly or lifetime requests.

(4) If an inmate accepts assistance in obtaining a state-issued identification card or driver license, the department shall follow the procedure described in Subsection [64-13-10.6\(4\)](#).

(5) The requirements of this section do not apply if the inmate is not:

(a) a citizen of the United States; or

(b) a lawful resident of the United States who has legal authorization to work in the United States.

Section 5. Section **64-13-10.6** is amended to read:

**64-13-10.6. Transition and reentry of an inmate at termination of incarceration.**

(1) The department shall evaluate the case action plan and update the case action plan as necessary to prepare for the offender's transition from incarceration to release, including:

(a) establishing the supervision level and program needs, based on the offender's criminal risk factors;

(b) identifying barriers to the offender's ability to obtain housing, food, clothing, and

338 transportation;

339 (c) identifying community-based treatment resources that are reasonably accessible to  
340 the offender; and

341 (d) establishing the initial supervision procedures and strategy for the offender's parole  
342 officer.

343 (2) The department shall notify the Board of Pardons and Parole not fewer than 30 days  
344 prior to an offender's release of:

345 (a) the offender's case action plan; and

346 (b) any specific conditions of parole necessary to better facilitate transition to the  
347 community.

348 (3) (a) At least six months before the projected date of an inmate's release from  
349 incarceration, if practicable, the department shall follow the procedures described in Section  
350 64-13-10.4.

351 (b) If the department is notified of the inmate's release and the remaining term of  
352 incarceration is for less than six months, the department shall follow the procedures described  
353 in Section 64-13-10.4 as soon as practicable after the department receives notification of the  
354 inmate's release date.

355 (4) If the inmate's term of incarceration is for longer than six months, the department  
356 shall follow procedures described in Section 64-13-10.4:

357 (a) approximately six months before the date of the inmate's anticipated release, if the  
358 inmate's term of incarceration is for longer than six months; or

359 (b) as soon as possible, upon notification of the inmate's release, if the release is in  
360 shorter than six months.

361 (5) (a) If an inmate accepts assistance in obtaining a current state-issued identification  
362 card or driver license, as described in Subsection 64-13-10.4(4), the department shall  
363 coordinate with the Driver License Division to:

364 (i) (A) obtain a duplicate of the inmate's state-issued driver license, as described in  
365 Section 53-3-215; or

(B) renew the inmate's state-issued driver license, if the inmate meets the criteria listed in Section 53-3-214; or

(ii) (A) extend the inmate's state-issued regular identification card, as described in Section 53-3-807; or

(B) issue the inmate a temporary regular identification card as described in Subsection 53-3-805(10), unless the inmate will live outside this state immediately upon release.

(b) (i) Subject to Subsection (5)(b)(ii), the department shall ensure that within the last seven days of the inmate's incarceration, the inmate meets with the Driver License Division to be issued a duplicate driver license, a renewed driver license, an extended regular identification card, or a temporary regular identification card, as described in Subsection (5)(a).

(ii) If an inmate is released from a facility other than a state correctional facility, the department shall coordinate with that correctional facility and the Driver License Division in assisting the inmate in meeting with the Driver License Division.

(c) Before the inmate meets with the Driver License Division, as described in Subsection (5)(b)(i), the department shall ensure that the inmate is provided all required documentation and information the department possesses for the inmate to obtain a document listed in Subsection (5)(a), including:

(i) all personal identification documentation; and

(ii) a voucher for payment toward any one of the documents listed in Subsection (5)(a), up to the cost of a temporary regular identification card described in Subsection 53-3-805(10).

(6) Subsections (4) and (5) do not apply to an inmate that is not:

(a) a citizen of the United States; or

(b) a lawful resident of the United States and has legal authorization to work in the United States.