

1 HOUSE BILL NO. 2249

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Public Safety

4 on _____)

5 (Patron Prior to Substitute--Delegate Rasoul)

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 may 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 establish a procedure for securing such
38 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. The Department of Corrections, in coordination with the State Board of Local and Regional Jails,**
44 **the Department of Motor Vehicles, and the State Registrar on Vital Records, shall (i) review the**
45 **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, 2023.**

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