

HOUSE BILL NO. 5380

October 07, 2021, Introduced by Reps. Aiyash, Wozniak, Brabec, Brann, Eisen, Puri, Carra, LaFave, Howell, Sneller, Brixie, Scott, Neeley, Young, Cynthia Johnson and Rabhi and referred to the Committee on Transportation.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 1 (MCL 28.291), as amended by 2020 PA 306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) An individual who is a resident of this state may
2 apply to the secretary of state for an official state personal
3 identification card. ~~Upon~~**Except as otherwise provided in**

1 **subsection (4), upon** application, the applicant shall supply a
2 photographic identity document, a birth certificate or other
3 nonphotographic identity document, and other sufficient documents
4 as the secretary of state may require to verify the identity and
5 citizenship of the applicant. If an applicant for an official state
6 personal identification card is not a citizen of the United States,
7 the applicant shall supply a photographic identity document and
8 other sufficient documents to verify the identity of the applicant
9 and the applicant's legal presence in the United States under
10 subsection ~~(5)~~. **(6)**. The documents required under this subsection
11 must include the applicant's full legal name, date of birth,
12 address, and residency and demonstrate that the applicant is a
13 citizen of the United States or is legally present in the United
14 States. If the applicant's full legal name differs from the name of
15 the applicant that appears on a document presented under this
16 subsection, the applicant shall present documents to verify his or
17 her current full legal name. An application for an official state
18 personal identification card must be made in a manner prescribed by
19 the secretary of state and must contain the applicant's full legal
20 name, date of birth, residence address, height, ~~sex,~~ **gender**, eye
21 color, signature, intent to be an organ donor, other information
22 required or permitted on the official state personal identification
23 card and, only to the extent to comply with federal law, the
24 applicant's Social Security number. The applicant may provide a
25 mailing address if the applicant receives mail at an address
26 different from his or her residence address. Beginning ~~180 days~~
27 ~~after the effective date of the amendatory act that added this~~
28 ~~sentence,~~ **June 27, 2021**, if the applicant is a program participant
29 in the address confidentiality program under the address

1 confidentiality program act, **2020 PA 301, MCL 780.851 to 780.873,**
2 he or she shall present to the secretary of state his or her
3 participation card issued under the address confidentiality program
4 act, **2020 PA 301, MCL 780.851 to 780.873.** For automatic voter
5 registration purposes under section 493a of the Michigan election
6 law, 1954 PA 116, MCL 168.493a, an applicant for an official state
7 personal identification card must indicate on the application or
8 change of address application whether he or she is a citizen of the
9 United States. An application must allow the applicant to indicate
10 that the applicant declines to use the application as a voter
11 registration application.

12 (2) The secretary of state shall accept as 1 of the
13 identification documents required under subsection (1) an
14 identification card issued by the department of corrections to
15 prisoners who are placed on parole or released from a correctional
16 facility, containing the prisoner's legal name, photograph, and
17 other information identifying the prisoner as provided in section
18 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

19 (3) The secretary of state shall have electronic access to
20 prisoner information maintained by the department of corrections
21 for the purpose of verifying the identity of a prisoner who applies
22 for an official state identification card under subsection (1).

23 **(4) Beginning October 1, 2022, on receipt of application**
24 **documents required under subsection (1), a prisoner's photograph,**
25 **and information on the projected date a prisoner will be released**
26 **on parole from the department of corrections as provided under**
27 **section 34c of the corrections code of 1953, 1953 PA 232, MCL**
28 **791.234c, the secretary of state shall, to the extent possible,**
29 **issue an official state personal identification card to the**

1 prisoner, if the prisoner is eligible to be issued an official
2 state personal identification card under this act. The secretary of
3 state shall do any of the following:

4 (a) Deliver the official state personal identification card
5 issued pursuant to this section to the department of corrections
6 before the projected date the prisoner issued the official state
7 personal identification card is scheduled to be released on parole.

8 (b) Mail the official state personal identification card
9 issued pursuant to this section as soon as possible to the
10 department of corrections. This subdivision applies if both of the
11 following conditions are met:

12 (i) The secretary could not comply with subdivision (a).

13 (ii) The prisoner is already released on parole.

14 (5) ~~(4)~~—The secretary of state shall not issue an official
15 state personal identification card to an individual who holds an
16 operator's or chauffeur's license issued under the Michigan vehicle
17 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
18 been suspended, revoked, or restricted.

19 (6) ~~(5)~~—If the applicant is not a citizen of the United
20 States, the applicant shall provide, and the department shall
21 verify, documents demonstrating his or her legal presence in the
22 United States. Nothing in this act obligates this state to comply
23 with title II of the real ID act of 2005, Public Law 109-13. The
24 secretary of state may adopt rules under the administrative
25 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, as are
26 necessary for the administration of this subsection. A
27 determination by the secretary of state that an applicant is not
28 legally present in the United States may be appealed under section
29 631 of the revised judicature act of 1961, 1961 PA 236, MCL

1 600.631. The secretary of state shall not issue an official state
2 personal identification card to an applicant described in this
3 subsection for a term that exceeds the duration of the applicant's
4 legal presence in the United States.

5 (7) ~~(6)~~—The secretary of state shall not disclose a Social
6 Security number obtained under subsection (1) to another person
7 except for use for 1 or more of the following purposes:

8 (a) Compliance with 49 USC 31301 to 31317 and regulations and
9 rules related to this act.

10 (b) To carry out the purposes of section 466(a) of the social
11 security act, 42 USC 666, in connection with matters relating to
12 paternity, child support, or overdue child support.

13 (c) ~~With~~**To** the department of health and human services, for
14 comparison with vital records maintained by the department of
15 health and human services under part 28 of the public health code,
16 1978 PA 368, MCL 333.2801 to 333.2899.

17 (d) As otherwise required by law.

18 (8) ~~(7)~~—The secretary of state shall not display an
19 individual's Social Security number on the individual's official
20 state personal identification card.

21 (9) ~~(8)~~—A requirement under this section to include a Social
22 Security number on an application does not apply to an applicant
23 who demonstrates **that** he or she is exempt under law from obtaining
24 a Social Security number.

25 (10) ~~(9)~~—The secretary of state, with the approval of the
26 state administrative board created under 1921 PA 2, MCL 17.1 to
27 17.3, may enter into agreements with the United States government
28 to verify whether an applicant for an official state personal
29 identification card under this section who is not a citizen of the

1 United States is authorized under federal law to be present in the
2 United States.

3 **(11)** ~~(10)~~—The secretary of state shall not issue an official
4 state personal identification card to an individual holding an
5 official state personal identification card issued by another state
6 without confirmation that the individual is terminating or has
7 terminated the official state personal identification card issued
8 by the other state.

9 **(12)** ~~(11)~~—The secretary of state shall do all of the
10 following:

11 (a) Ensure the physical security of locations where official
12 state personal identification cards are produced and the security
13 of document materials and papers from which official state personal
14 identification cards are produced.

15 (b) Subject each person authorized to manufacture or produce
16 official state personal identification cards and each person who
17 has the ability to affect the identity information that appears on
18 official state personal identification cards to appropriate
19 security clearance requirements. The security requirements of this
20 subdivision and subdivision (a) may require that official state
21 personal identification cards be manufactured or produced in this
22 state.

23 (c) Provide fraudulent document recognition programs to
24 secretary of state employees engaged in the issuance of official
25 state personal identification cards.

26 **(13)** ~~(12)~~—If an individual meets the requirements under
27 subsection ~~(13)~~, **(14)**, beginning July 1, 2021, the secretary of
28 state shall allow the individual to elect a communication
29 impediment designation on the application maintained in the central

1 file under section 7 or in another appropriate system that limits
2 access to law enforcement that would allow law enforcement agencies
3 of this state to view a communication impediment designation with
4 an official state personal identification card.

5 **(14)** ~~(13)~~—An individual seeking an election for a
6 communication impediment designation under subsection ~~(12)~~—**(13)**
7 shall provide the secretary of state a certification that meets all
8 of the following:

9 (a) Is signed by a physician, physician assistant, certified
10 nurse practitioner, or physical therapist licensed to practice in
11 this state.

12 (b) Identifies the individual for whom the communication
13 impediment designation is being elected.

14 (c) Attests to the nature of the health condition that may
15 impede communication.

16 **(15)** ~~(14)~~—The secretary of state shall not display an
17 individual's communication impediment designation on the
18 individual's official state personal identification card.

19 **(16)** ~~(15)~~—A person who intentionally makes a false statement
20 of material fact or commits or attempts to commit a deception or
21 fraud on a statement described under subsection ~~(13)~~—**(14)** is guilty
22 of a misdemeanor punishable by imprisonment for not more than 30
23 days or a fine of not more than \$500.00, or both.

24 **(17)** ~~(16)~~—Subject to subsection ~~(17)~~,—**(18)**, the secretary of
25 state may cancel or revoke a communication impediment designation
26 elected and maintained under this section if either of the
27 following circumstances applies:

28 (a) The secretary of state determines that a communication
29 impediment designation was fraudulently or erroneously elected.

1 (b) The secretary of state determines the communication
2 impediment designation was abused during a traffic stop.

3 (18) ~~(17)~~—The secretary of state shall provide an individual
4 notice and an opportunity to be heard before canceling or revoking
5 a communication impediment designation under subsection ~~(16)~~. (17).

6 (19) ~~(18)~~—As used in this section, "communication impediment"
7 means an individual has a health condition that may impede
8 communication with a police officer, including, but not limited to,
9 **any of** the following:

10 (a) Deafness or hearing loss.

11 (b) An autism spectrum disorder.

12 Enacting section 1. This amendatory act takes effect October
13 1, 2021.

14 Enacting section 2. This amendatory act does not take effect
15 unless all of the following bills of the 101st Legislature are
16 enacted into law:

17 (a) Senate Bill No. ____ or House Bill No. 5382 (request no.
18 00807'21).

19 (b) Senate Bill No. ____ or House Bill No. 5381 (request no.
20 01940'21).