

HOUSE BILL NO. 4193

March 07, 2023, Introduced by Reps. Edwards, McFall, Aiyash, Brabec, Wilson, Rogers, Dievendorf, Fitzgerald, Rheingans, Paiz, Scott, Hope, Wegela, Steckloff, Conlin, Tyrone Carter, Liberati, Skaggs, Snyder, Price, Weiss and Hood and referred to the Committee on Criminal Justice.

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 2021 PA 105.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) An individual who is a resident of this state may

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

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

14 (2) The secretary of state shall accept as 1 of the
15 identification documents required under subsection (1) an
16 identification card issued by the department of corrections to
17 prisoners who are placed on parole or released from a correctional
18 facility, containing the prisoner's legal name, photograph, and
19 other information identifying the prisoner as provided in section
20 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

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

25 (4) **Beginning October 1, 2023, on receipt of application**
26 **documents required under subsection (1), a prisoner's photograph,**
27 **and information on the projected date a prisoner will be released**
28 **on parole or discharged upon completion of the prisoner's maximum**
29 **sentence from the department of corrections as provided under**

1 section 34c of the corrections code of 1953, 1953 PA 232, MCL
2 791.234c, the secretary of state shall, to the extent possible,
3 issue an official state personal identification card to the
4 prisoner, if the prisoner is eligible to be issued an official
5 state personal identification card under this act. The secretary of
6 state shall do any of the following:

7 (a) Deliver the official state personal identification card
8 issued pursuant to this section to the department of corrections
9 before the projected date the prisoner issued the official state
10 personal identification card is scheduled to be released on parole
11 or discharged upon completion of the prisoner's maximum sentence.

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

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

17 (ii) The prisoner is already released on parole or discharged
18 upon the completion of the prisoner's maximum sentence.

19 (5) ~~(4)~~—The secretary of state shall not issue an official
20 state personal identification card to an individual who holds an
21 operator's or chauffeur's license issued under the Michigan vehicle
22 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has
23 been suspended, revoked, or restricted.

24 (6) ~~(5)~~—If the applicant is not a citizen of the United
25 States, the applicant shall provide, and the department shall
26 verify, documents demonstrating ~~his or her~~ **the applicant's** legal
27 presence in the United States. Nothing in this act obligates this
28 state to comply with title II of the real ID act of 2005, Public
29 Law 109-13. The secretary of state may adopt rules under the

1 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
2 24.328, as are necessary for the administration of this subsection.
3 A determination by the secretary of state that an applicant is not
4 legally present in the United States may be appealed under section
5 631 of the revised judicature act of 1961, 1961 PA 236, MCL
6 600.631. The secretary of state shall not issue an official state
7 personal identification card to an applicant described in this
8 subsection for a term that exceeds the duration of the applicant's
9 legal presence in the United States.

10 (7) ~~(6)~~—The secretary of state shall not disclose a Social
11 Security number obtained under subsection (1) to another person
12 except for use for 1 or more of the following purposes:

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

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

18 (c) To the department of health and human services, for
19 comparison with vital records maintained by the department of
20 health and human services under part 28 of the public health code,
21 1978 PA 368, MCL 333.2801 to 333.2899.

22 (d) As otherwise required by law.

23 (8) ~~(7)~~—The secretary of state shall not display an
24 individual's Social Security number on the individual's official
25 state personal identification card.

26 (9) ~~(8)~~—A requirement under this section to include a Social
27 Security number on an application does not apply to an applicant
28 who demonstrates that ~~he or she~~ **the applicant** is exempt under law
29 from obtaining a Social Security number.

1 **(10)** ~~(9)~~—The secretary of state, with the approval of the
2 state administrative board created under 1921 PA 2, MCL 17.1 to
3 17.3, may enter into agreements with the United States government
4 to verify whether an applicant for an official state personal
5 identification card under this section who is not a citizen of the
6 United States is authorized under federal law to be present in the
7 United States.

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

14 **(12)** ~~(11)~~—The secretary of state shall do all of the
15 following:

16 (a) Ensure the physical security of locations where official
17 state personal identification cards are produced and the security
18 of document materials and papers from which official state personal
19 identification cards are produced.

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

28 (c) Provide fraudulent document recognition programs to
29 secretary of state employees engaged in the issuance of official

1 state personal identification cards.

2 **(13)** ~~(12)~~—If an individual meets the requirements under
3 subsection ~~(13)~~, **(14)**, beginning July 1, 2021, the secretary of
4 state shall allow the individual to elect a communication
5 impediment designation on the application maintained in the central
6 file under section 7 or in another appropriate system that limits
7 access to a person allowed access to public record information by
8 the criminal justice information policy council under the C.J.I.S.
9 policy council act, 1974 PA 163, MCL 28.211 to 28.215, and that
10 allows a person with access to view a communication impediment
11 designation with an official state personal identification card.

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

16 (a) Is signed by a physician, physician assistant, certified
17 nurse practitioner, audiologist, speech-language pathologist,
18 psychologist, or physical therapist licensed to practice in this
19 state.

20 (b) Identifies the individual for whom the communication
21 impediment designation is being elected.

22 (c) Attests to the nature of the health condition that may
23 impede communication.

24 **(15)** ~~(14)~~—The secretary of state shall not display an
25 individual's communication impediment designation on the
26 individual's official state personal identification card.

27 **(16)** ~~(15)~~—A person who intentionally makes a false statement
28 of material fact or commits or attempts to commit a deception or
29 fraud on a statement described under subsection ~~(13)~~ **(14)** is guilty

1 of a misdemeanor punishable by imprisonment for not more than 30
2 days or a fine of not more than \$500.00, or both.

3 **(17)** ~~(16)~~—Subject to subsection ~~(17)~~, **(18)**, the secretary of
4 state may cancel or revoke a communication impediment designation
5 elected and maintained under this section if either of the
6 following circumstances applies:

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

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

11 **(18)** ~~(17)~~—The secretary of state shall provide an individual
12 notice and an opportunity to be heard before canceling or revoking
13 a communication impediment designation under subsection ~~(16)~~. **(17)**.

14 **(19)** ~~(18)~~—As used in this section, "communication impediment"
15 means an individual has a health condition that may impede
16 communication with a police officer, including, but not limited to,
17 any of the following:

18 (a) Deafness or hearing loss.

19 (b) An autism spectrum disorder.

20 Enacting section 1. This amendatory act does not take effect
21 unless all of the following bills of the 102nd Legislature are
22 enacted into law:

23 (a) Senate Bill No. ____ or House Bill No. 4191 (request no.
24 01228'23).

25 (b) Senate Bill No. ____ or House Bill No. 4192 (request no.
26 01312'23).