

Providing Identification for Those Released From Incarceration

BY MICHAEL HARTMAN

Introduction

Without identification, people cannot go to bars, rent an apartment, book a hotel room or buy a car. Each year, [more than 600,000 people](#) are released from state and federal prisons and many times, these people reentering society do not have the opportunity or means to obtain important identification documents. Individuals [reentering society](#) often face additional barriers when obtaining housing and employment due to difficulties acquiring identification.

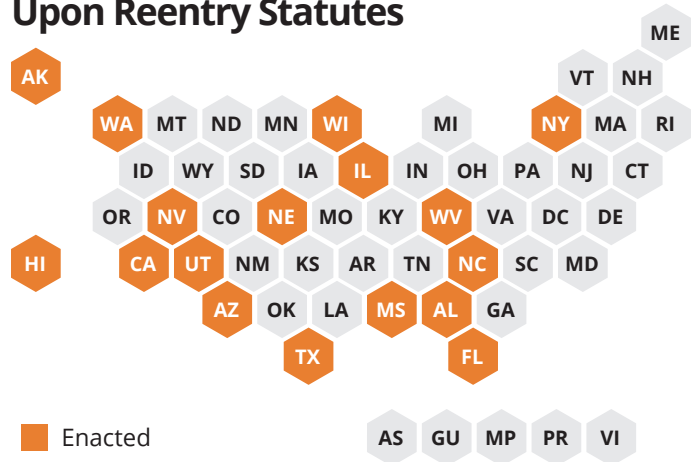
To address this issue, states have adopted a variety of laws to help previous offenders with identification issues when reentering society. Valid identification is a pivotal component to acquiring many other elements of reentry that have proven successful at reducing recidivism, such as employment, housing and education.

This policy snapshot provides a general overview of state policies about identification upon reentry. The primary focus is on the states that have chosen to provide identification cards upon release through legislation. But other states have chosen to provide these services through administrative agencies, such as a Department of Motor Vehicles (DMV) or a Department of Corrections (DOC). In these cases, agencies may sign a memorandum of understanding to elaborate on the interagency partnerships necessary. These interagency partnerships can then easily become codified by legislators. For example, according to [The National Reentry Resource Center \(NRRC\)](#), Florida's Licensing on Wheels (FLOW) program began traveling to state prisons in 2009 to assist people in obtaining identification cards. By 2014, the state interagency partnership became law.

Overview

Approximately 17 states have laws aimed at helping previous offenders get identification either at release or immediately following. But these laws vary.

States With Identification Upon Reentry Statutes



Source: NCSL, 2022

Thirteen states focus on providing permanent identification cards to those being released while Utah, New York and Arizona all provide for temporary identification cards.

Mississippi, North Carolina, Nevada and Wisconsin explicitly provide for drivers' licenses, allowing those who receive them to immediately drive. Eight states—Alabama, Alaska, California, Florida, Hawaii, Illinois, Texas and Washington—focus on valid state identification cards, sometimes referred to as civil identification cards, non-driver identification cards or just state identification cards. These allow individuals many privileges in society, but do not include the driving privilege.

Three states—Alabama, Mississippi and Oklahoma—considered legislation in 2021 that would provide identification for individuals leaving incarceration, Alabama's legislation was enacted. Alabama's [HB 2 \(2021\)](#) requires the Department of Corrections to provide

inmates with a social security card and birth certificate. Additionally, the Department of Corrections is directed to work with the Alabama Law Enforcement Agency to assist inmates in receiving a non-driver state identification card. Mississippi and Oklahoma’s legislation failed to pass but they demonstrate two different approaches to legislation. Mississippi’s [SB 2561 \(2021\)](#) was a targeted approach that would create a six-month provisional driver’s license. [Oklahoma’s HB 2729 \(2021\)](#) would create the Oklahoma Prisoner Reentry Pilot Program which would provide a plethora of reentry services, including assisting reentering inmates with obtaining driver licenses or state identification cards.

West Virginia took yet another approach, creating a program to stay unpaid court costs that effectively allows individuals to apply for identification cards as though they do not owe any costs, so long as they continue to make their repayment plan payments. Unpaid court costs remain a common barrier to identification cards for individuals reentering society.

Processes

States have taken a wide range of approaches when providing identification services upon reentry. Some states have chosen to perform these tasks completely within jails or prisons, while other states have used mobile identification teams which travel from facility-to-facility servicing inmates, such as Florida’s Licensing on Wheels ([FLOW](#)) program mentioned above. The level of assistance in acquiring an identification card varies from state to state as well. For example, Nebraska law provides an opportunity to apply for an identification card, but not assistance with the application.

The timelines for when an inmate may receive services also varies among the states. Some states, like Mississippi, choose to leave the time frame open to discretion, providing statements such as “provided to soon-to-be-released individuals” or simply “provided before release.” Proponents of these vague timelines argue that it allows state agencies involved to develop a timeline that works best within their agencies. Other states choose to set specific timelines. For example, Hawaii and North Carolina have set precise timelines for services in statute. In Hawaii, individuals who have less than one year remaining imprisoned are assisted and in North Carolina individuals within six months of release are assisted in applying for multiple identification documents, such as a social security card, birth certificate, learner’s license and/or driver’s license.

States that do not have statutes governing the issuance of identification sometimes have specific timelines in administrative code. South Dakota, for example, helps inmates within 120 days from their release and Indiana refers individuals to its mobile Bureau of Motor Vehicles unit 365 days before release.

Reentering Society

A November 2021 [press release](#) from the Illinois Secretary of State featured comments from a recently incarcerated woman. “For many, like myself, who are away for many years, vital documents that are required to get a state ID are lost or misplaced. Obtaining these documents after release can take weeks of running back and forth from agency to agency. It becomes a disheartening and hopeless experience for many. I am thankful to receive the assistance of counselors and clinical service department staff at Logan Correctional Center with securing the necessary vital documents needed prior to my release.”

Enactments

■ TEMPORARY IDENTIFICATION CARDS



Arizona [The Arizona Plan \(2013\)](#)

The state provides a Released Offender Identification Card upon release. These cards are valid for 30 days. The state will also ensure that all released individuals will have a birth certificate and social security card upon release.



New York Correction Law §856; Directive #4914 (2021)

Incarcerated individuals will receive a temporary identification card upon release that is good for 120 days. This identification card will classify as one of the necessary documentations for a permanent identification, along with the following: birth certificate, social security card and release papers.



Utah – HB 320 (2013)

The division may issue a temporary regular identification card to a person while the person obtains the required documentation to establish verification of the information for a permanent identification card.

■ IDENTIFICATION CARD OR DRIVER’S LICENSES



Alabama House Bill 2 (2021 1st Special Session)

Requires the DOC to provide a social security card and a birth certificate necessary to obtain employment. Further requires the DOC, in conjunction with the Alabama State Law Enforcement Agency, to assist an inmate in obtaining a non-driver identification card.



Mississippi House Bill 585 (2014)

Requires the Mississippi DOC to provide a soon-to-be-released individual with either a state ID or a driver’s license as part of the Pre-Release Assessment Plan.



North Carolina § 148-10.5. (2015)

The Division of Adult Correction of the Department of Public Safety shall assist each inmate who is within six months of release from the custody of the division in applying for each of the following as may be needed by the inmate: a social security card; in cooperation with the Division of Motor Vehicles: a driver’s license, duplicate driver’s license, learner’s permit or special identification card; and in cooperation with the State Registrar of Vital Statistics, a certified copy of the inmate’s birth certificate for any inmate who was born in this state. The division shall assist any inmate who was born in another state in applying for a birth certificate from the appropriate agency in that state.



Wisconsin § 343.50, § 301.286 (2007)

Before an individual is released from prison upon completion of his or her sentence or to parole or extended supervision, the department shall determine if the individual has an operator’s license or a state identification card. If the individual has neither, the department shall assist the individual in applying for a state identification card. The department shall determine if the individual is able to pay all or a portion of the fee from the individual’s general fund account. The department shall pay any portion of the fee the individual is unable to pay from the individual’s general fund account.



Alaska State Bill 91 (2016)

The state must assist a prisoner in obtaining a valid state identification card if the prisoner does not have a valid state identification card before the prisoner’s release. The department shall pay the application fee for the identification card.



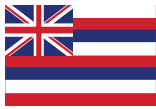
California CA Penal Code Section 3007.05 (2016)

Requires Department of Corrections and Rehabilitation and DMV to ensure all eligible inmates released from state prisons have valid identification cards.



Florida CS/HB 53 (2014)

Requires the Department of Corrections provide every Florida-born inmate with a certified copy of their birth certificate and a state identification card before release from prison.



Hawaii § 353H, HB No 845 (2017)

The department will inform inmates that departmental assistance is available to obtain civil identification cards and, upon request, will issue the cards to individuals who have less than one year remaining.



Illinois Public Act 099-0907 (2016)

Legislation ensured people released from prison will receive a valid state identification card.



Nevada § 209.511 (2020)

Shall provide the offender with a photo identification card issued by the Department of Corrections and information and reasonable assistance relating to acquiring a valid driver’s license or identification card to enable the offender to obtain employment.



Texas HB 2161 (2009)

Before discharging an inmate or releasing an inmate on parole, mandatory supervision or conditional pardon, the department shall determine where the inmate has a valid license or identification certificate and, if not, the department shall submit a request for issuance to the appropriate agency.



Washington § 46.20.117 (2020)

Incarcerated individuals shall receive valid forms of identification prior to release. Individuals scheduled to be released may be charged \$72 for their identification card effective Jan. 1, 2022, up from the previous \$54.

■ OPPORTUNITY



Nebraska LB258 (2018)

Provides opportunity for inmates to obtain state identification card or renew driver’s license before discharge.

■ UNPAID COURT COST STAYS & REPAYMENT SCHEDULES



West Virginia – WV S 634 (2016)

Created the Second Chance Driver’s License Act and Account, allowing individuals who have been unable to obtain a driver’s license or to have their driver’s license reinstated due to unpaid court costs to obtain a stay of the driver’s license suspension or revocation.

Other Relevant Regulations or Programs



Colorado Regulation Number 550-10

Colorado’s DOC assists offenders in acquiring a Colorado state ID, a replacement social security card, a birth certificate, or any other documents that assist with proving identity, age, name and/or lawful presence. Every incarcerated individual will be reviewed upon intake and release to determine whether they will need assistance in receiving a Colorado state ID. If they need one and are eligible, then the Offender ID Coordinator will assist them in acquiring one.



Connecticut Offender Reentry Services

DOC offers an Offender Reentry Unit, which consists of either part-time or full-time reentry counselors. These counselors assist the incarcerated individuals with obtaining a social security card, birth certificate, or renewal of their driver’s license or state ID.



Delaware **DOC Policy Number 3.12**

The DOC has instituted an Offender Reentry Planning program to ensure all released individuals have access to services prior to release. Incarcerated individuals will have a reentry team that will identify and assist with needs, such as personal identification, prior to release.



Idaho **IDOC Structured Reentry Case Management**

The case manager will assist the offender to obtain documents the offender will need in the community, such as a driver's license, social security card, SSI application, state identification card and alien work permits.



Indiana **Policy and Administrative Procedure 01-07-101**

The Reentry Unit Team shall assist incarcerated individuals to obtain documents necessary for obtaining an ID and shall refer the individual to the mobile Bureau of Motor Vehicles unit 365 days prior to release to secure an ID.



Kansas **Sec. 14-160A**

Released individuals will get a Certificate of Identification that will serve as one identifying document when applying for a state ID or driver's license.



Maine **Release and Reentry Planning 27.01**

Verify that the prisoner has two forms of identification acceptable for employment purposes (driver's license, official state identification, or identity verification form and a social security card, birth certificate, or a certified application for a social security card) or a current passport and, if not, assist the prisoner in obtaining the necessary documents.



Massachusetts **DOC Reentry Policy**

Prior to release, the assigned correction program officer will review the incarcerated individual's file to ensure they have the necessary identification. If they do not, the officer will assist them in acquiring the necessary documents. An individual who participates in the Employment Readiness Workshop while in prison will receive a state ID as part of their completed portfolio.



Michigan **MOU Between DOC and Department of State**

Returning citizens receive DOC prisoner ID cards upon their release. However, this card only counts as a secondary document proving residency when applying for a state ID.



Missouri **DOC Reentry Process**

DOC partnered with the Department of Revenue, Social Security Administration, and the Department of Health and Senior Services to assist offenders in obtaining birth certificates, social security cards, and state IDs.



Montana **DOC Operational Procedure**

An incarcerated individual is assigned a Facility Inmate ID Card that has the word "INMATE" across the top. This card has all the information required for a state ID. They are also assigned a copy of the Facility Inmate ID Card that does not have the word "INMATE" on top. The copy without INMATE written on it will be kept in the prison's records files and will be used to obtain a state ID when the incarcerated individual is either about to be released or upon release.



Oregon **OAR 291-207-0100 and OAR 735-001-0062**

The DOC shall assist eligible inmates with obtaining Oregon Driver and Motor Vehicle (DMV) state identification cards or driver licenses pursuant to the interagency agreement between the Department of Corrections (DOC) and the DMV, as well as the DOC and DMV joint rules on DMV/DOC Program for an Inmate Obtaining a Driver License or Identification Card prior to release.



Rhode Island **Transitional Services & Discharge Planning**

The pre-release unit in Transitional Services & Discharge Planning holds forums in facilities to inform the clients what services are available and begins the process of planning for a successful reentry, including aiding with obtaining identification.



South Dakota **DOC Policy 1.1.A.7**

Policy in place to assist inmates who are within 120 days from their release in obtaining their social security card and their birth certificate.



Tennessee **TDOC Policy**

Tennessee Department of Corrections and Department of Safety and Homeland Security entered into an interagency agreement allowing TDOC to purchase driver's license issuance equipment and install it in TDOC facilities. This purchase was made using existing TDOC resources, meaning no new taxpayer funding or staffing was needed.



Virginia **DOC DMV Connect**

Program called DMV Connect where correctional facilities identify individuals slated for release within a month and collect the necessary personal documents and Department of Motor Vehicle applications for Virginia ID cards. DMV employees then travel to the correctional facilities where they complete the transactions for the soon-to-be-released offenders. Using portable equipment including a laptop and camera, the DMV securely processes the work in real-time. Each new ID card is mailed from the DMV's secure central processing facility to the appropriate correctional facility. Personnel at the correctional facilities ensure the inmates' new ID cards are in their release packets.



Washington **Executive Order 16-05**

Allow individuals who are serving more than two years to receive a state ID while in prison for a discounted rate.



Wyoming **Policy and Procedure #4.102**

During incarceration, individuals can obtain their social security card, state ID, driver's license, birth certificate or commercial driver's license.

Resources

- [National Task Force on Fines, Fees and Bail Practices Principles](#)
- [The Fines and Fees Justice Center](#)
- [Criminal Justice Policy Program at Harvard Law School 50-State Criminal Justice Debt Reform Builder](#)
- [Confronting Criminal Justice Debt: A Guide for Policy Reform](#)
- [Resource Guide: Reforming the Assessment and Enforcement of Fines And Fees](#)

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