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Representatives Click, Brewer

Cosponsors: Representatives Newman, Baker, Barhorst, Bird, Brennan, Brent, Bryant Bailey, Claggett, Daniels, Fischer, Glassburn, Hall, D., Humphrey, Isaacsohn, Lett, Mohamed, Russo, Salvo, Schmidt, Sigrist, Stephens, Synenberg, Thomas, C., Tims, White, A., White, E., Williams, Willis, Young

Senators Manning, Johnson, Antonio, Blackshear, Cirino, Craig, DeMora, Gavarone, Hicks-Hudson, Huffman, Ingram, Landis, O'Brien, Reineke, Reynolds, Roegner, Timken, Weinstein

To amend sections 4507.01, 4507.50, 4507.51, 4507.52, and 5120.102 and to enact sections 2301.551 and 5120.106 of the Revised Code to require that community-based correctional facilities and programs and halfway house organizations assist inmates in obtaining state identification cards prior to release.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4507.01, 4507.50, 4507.51, 4507.52, and 5120.102 be amended and sections 2301.551 and 5120.106 of the Revised Code be enacted to read as follows:

Sec. 2301.551. (A) Within a reasonable time prior to a prisoner who is serving a sentence within a community-based correctional facility and program or a district community-based correctional facility and program successfully completing the programming at that facility, the facility shall attempt to

verify the prisoner's age and identity in order to satisfy the requirements of section 4507.51 of the Revised Code.

(B) The facility shall provide each prisoner who does not have a current valid and unexpired state issued identification card or driver's license with the application described in section 4507.51 of the Revised Code. The facility shall submit any completed application, along with a color photograph of the prisoner and documentary evidence of the prisoner's age and identity, to the registrar of motor vehicles in accordance with the process established by the registrar under sections 4507.50 and 4507.51 of the Revised Code.

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," "motorized bicycle," "state," "owner," "operator," "chauffeur," and "highways" have the same meanings as in section 4501.01 of the Revised Code.

"Driver's license" means a class D license issued to any person to operate a motor vehicle or motor-driven cycle, other than a commercial motor vehicle, and includes "probationary license," "restricted license," "limited term license," and any operator's or chauffeur's license issued before January 1, 1990.

"Probationary license" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license."

"Probationary motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person between fourteen and sixteen years of age to operate a motorized bicycle.

"Identification card" means a card issued under sections 4507.50 to 4507.52 of the Revised Code.

"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis.

"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis.

"Community-based correctional facility and program" and "district community-based correctional facility and program" mean the facilities and programs created and organized in accordance with sections 2301.51 to 2301.58 of the Revised Code.

"Halfway house organization" has the same meaning as in section 5120.102 of the Revised Code.

(B) In the administration of this chapter and Chapter 4506. of the Revised Code, the registrar has the same authority as is conferred on the registrar by section 4501.02 of the Revised Code. Any act of an authorized deputy registrar of motor vehicles under direction of the registrar is deemed the act of the registrar.

To carry out this chapter, the registrar shall appoint such deputy registrars in each county as are necessary.

The registrar also shall provide at each place where an application for a driver's or commercial driver's license or identification card may be made the necessary equipment to take a photograph of the applicant for such license or card as required under section 4506.11 or 4507.06 of the Revised Code, and to conduct the vision screenings required by section 4507.12 of the Revised Code.

The registrar shall assign one or more deputy registrars to any driver's license examining station operated under the supervision of the director of public safety, whenever the registrar considers such assignment possible. Space shall be provided in the driver's license examining station for any such deputy registrar so assigned. The deputy registrars shall not exercise the powers conferred by such sections upon the registrar, unless they are specifically authorized to exercise such powers by such sections.

(C) No agent for any insurance company, writing automobile insurance, shall be appointed deputy registrar, and any such appointment is void. No deputy registrar shall in any manner solicit any form of automobile insurance, nor in any manner advise, suggest, or influence any licensee or applicant for license for or against any kind or type of automobile insurance,

insurance company, or agent, nor have the deputy registrar's office directly connected with the office of any automobile insurance agent, nor impart any information furnished by any applicant for a license or identification card to any person, except the registrar. This division shall not apply to any nonprofit corporation appointed deputy registrar.

(D) The registrar shall immediately remove a deputy registrar who violates the requirements of this chapter.

Sec. 4507.50. (A)(1) The registrar of motor vehicles or a deputy registrar shall issue an identification card to a person when all of the following apply:

(a) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and, if the person is under seventeen years of age, payment of the applicable fees.

(b) The person is a resident or a temporary resident of this state.

(c) The person is not licensed as an operator of a motor vehicle in this state or another licensing jurisdiction.

(d) The person does not hold an identification card from another jurisdiction.

(2)(a) The registrar of motor vehicles or a deputy registrar may issue a temporary identification card when all of the following apply:

(i) The registrar or deputy registrar receives an application completed in accordance with section 4507.51 of the Revised Code and payment of the applicable fees.

(ii) The person is a resident or temporary resident of

this state.

(iii) The person's Ohio driver's or commercial driver's license has been suspended or canceled.

(iv) The person does not hold an identification card from another jurisdiction.

(b) The temporary identification card shall be identical to an identification card, except that it shall be printed on its face with a statement that the card is valid for a temporary period. The temporary period shall be in accordance with the expiration dates specified in section 4507.501 of the Revised Code.

(c) The cardholder shall surrender the temporary identification card to the registrar or any deputy registrar before the cardholder's driver's or commercial driver's license is restored or reissued.

(B)(1) Except as provided in division (D) of this section, an applicant who is under seventeen years of age shall pay the following fees prior to issuance of an identification card or a temporary identification card:

(a) A fee of three dollars and fifty cents if the card will expire on the applicant's birthday four years after the date of issuance or a fee of six dollars if the card will expire on the applicant's birthday eight years after the date of issuance;

(b) A fee equal to the amount established under section 4503.038 of the Revised Code if the card will expire on the applicant's birthday four years after the date of issuance or twice that amount if the card will expire on the applicant's birthday eight years after the date of issuance;

(c) A fee of one dollar and fifty cents if the card will expire on the applicant's birthday four years after the date of issuance or three dollars if the card will expire on the applicant's birthday eight years after the date of issuance, for the authentication of the documents required for processing an identification card or temporary identification card. A deputy registrar that authenticates the required documents shall retain the entire amount of the fee.

(2) The fees collected for issuing an identification card under this section, except for any fees allowed to the deputy registrar, shall be paid into the state treasury to the credit of the public safety - highway purposes fund created in section 4501.06 of the Revised Code.

(C) A person seventeen years of age or older may apply to the registrar or a deputy registrar for the issuance to that person of an identification card or a temporary identification card under this section without payment of any fee prescribed in division (B) of this section.

(D) A resident who is permanently or irreversibly disabled and who is under seventeen years of age may apply to the registrar or a deputy registrar for the issuance of an identification card under this section without payment of any fee as prescribed in division (B) of this section. A resident who is in the custody of the department of rehabilitation and correction ~~or~~ , the department of youth services, a halfway house organization, a community-based correctional facility and program, or a district community-based correctional facility and program and who is under seventeen years of age may apply to the registrar for the issuance of an identification card under this section without payment of any fee as prescribed in division (B)

of this section.

As used in this section, "permanently or irreversibly disabled" means a condition of disability from which there is no present indication of recovery.

An application made under division (D) of this section shall be accompanied by such documentary evidence as the registrar may require by rule.

(E)(1) The department of rehabilitation and correction shall submit an application for an identification card or temporary identification card, as applicable, to the registrar on behalf of an individual who is a prisoner at a state correctional institution and who has completed that application in accordance with section 5120.59 of the Revised Code.

(2) The department of youth services shall submit an application for an identification card or a temporary identification card, as applicable, to the registrar on behalf of an individual who is in the custody of the department at a juvenile correctional facility and who has completed that application in accordance with section 5139.511 of the Revised Code.

(3) A community-based correctional facility and program or a district community-based correctional facility and program shall submit an application for an identification card or a temporary identification card, as applicable, to the registrar on behalf of an individual who is in the custody of the facility and who has completed that application in accordance with section 2301.551 of the Revised Code.

(4) A halfway house organization shall submit an application for an identification card or a temporary

identification card, as applicable, to the registrar on behalf of an individual who is in the custody of the organization and who has completed that application in accordance with section 5120.106 of the Revised Code.

(5) The registrar may establish a separate application and process by which the departments shall submit any applications to the registrar in accordance with this division and section 4507.51 of the Revised Code.

Sec. 4507.51. (A)(1) Every application for an identification card or duplicate shall be made on an approved form furnished by the registrar of motor vehicles and shall be signed by the applicant. The application also shall be signed by the applicant's parent or guardian, or by the department of rehabilitation and correction ~~or~~ , the department of youth services, a halfway house organization, a community-based correctional facility and program, or a district community-based correctional facility and program, as applicable, if the applicant is under eighteen years of age.

Every application shall contain the following information:

(a) The applicant's name, date of birth, sex, general description including the applicant's height, weight, hair color, and eye color, address, country of citizenship, and social security number.

(b) If an applicant has not already certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift and information about the requirements of sections 2108.01 to 2108.29 of the Revised Code that apply to persons who are less

than eighteen years of age. The statement regarding willingness to make such a donation shall be given no consideration in the decision of whether to issue an identification card.

(c) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the identification card issued to indicate that the applicant has executed the instrument.

(d) Whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the identification card issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the identification card.

(2) Each applicant applying in person at a deputy registrar office shall be photographed at the time of making an application.

(3) The registrar or deputy registrar, in accordance with section 3503.11 of the Revised Code, shall register as an elector any person who applies for an identification card or duplicate if the applicant is eligible and wishes to be registered as an elector. The decision of an applicant whether to register as an elector shall be given no consideration in the decision of whether to issue the applicant an identification card or duplicate.

(4) The application shall be accompanied by any necessary documents, as required by the registrar. The registrar or the deputy registrar may authenticate the submitted documents and verify the information in the application.

(B)(1) Except as provided in division (B)(2) of this section or section 4507.061 of the Revised Code, the application for an identification card or duplicate shall be filed in the office of the registrar or deputy registrar. Each applicant shall present documentary evidence as required by the registrar of the applicant's age and identity, and the applicant shall swear that all information given is true.

All applications for an identification card or duplicate under this section shall be filed in duplicate, and if submitted to a deputy registrar, a copy shall be forwarded to the registrar. The registrar shall prescribe rules for the manner in which a deputy registrar is to file and maintain applications and other records. The registrar shall maintain a suitable, indexed record of all applications denied and cards issued or canceled.

(2) The application for an identification card filed by either the department of rehabilitation and correction ~~or~~ , the department of youth services, a halfway house organization, a community-based correctional facility and program, or a district community-based correctional facility and program on behalf of an individual in prison or in the department's, organization's, or facility's custody shall be submitted through the process established by the registrar. The registrar shall establish the process for submission of such applications and the process for mailing the identification card to either the individual or the applicable department, organization, or facility.

(C) In addition to any other information it contains, the form furnished by the registrar of motor vehicles for an application for an identification card or duplicate shall inform applicants that the applicant must present a copy of the applicant's DD-214 or an equivalent document in order to qualify to have the card or duplicate indicate that the applicant is an honorably discharged veteran of the armed forces of the United States based on a request made pursuant to division (A)(2)(b) of this section.

Sec. 4507.52. (A)(1) Each identification card issued by the registrar of motor vehicles or a deputy registrar shall display a distinguishing number assigned to the cardholder, and shall display the following inscription:

"STATE OF OHIO IDENTIFICATION CARD

This card is not valid for the purpose of operating a motor vehicle. It is provided solely for the purpose of establishing the identity of the bearer described on the card."

(2) The identification card shall display substantially the same information as contained in the application and as described in division (A)(1) of section 4507.51 of the Revised Code, including, if the cardholder is a noncitizen of the United States, a notation designating that the cardholder is a noncitizen. The identification card shall not display the cardholder's social security number unless the cardholder specifically requests that the cardholder's social security number be displayed on the card. If federal law requires the cardholder's social security number to be displayed on the identification card, the social security number shall be displayed on the card notwithstanding this section.

(3) The identification card also shall display the photograph of the cardholder.

(4) If the cardholder has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the cardholder wishes the identification card to indicate that the cardholder has executed either type of instrument, the card also shall display any symbol chosen by the registrar to indicate that the cardholder has executed either type of instrument.

(5) If the cardholder has specified that the cardholder wishes the identification card to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the cardholder's DD-214 form or an equivalent document, the card also shall display any symbol chosen by the registrar to indicate that the cardholder is a veteran, active duty, or reservist of the armed forces of the United States.

(6) The card shall be designed as to prevent its reproduction or alteration without ready detection.

(7) The identification card for persons under twenty-one years of age shall have characteristics prescribed by the registrar distinguishing it from that issued to a person who is twenty-one years of age or older, except that an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday shall have the characteristics of an identification card issued to a person who is twenty-one years of age or older.

(8) Every identification card issued to a resident of this

state shall display the expiration date of the card, in accordance with section 4507.501 of the Revised Code.

(9) Every identification card issued to a temporary resident shall expire in accordance with section 4507.501 of the Revised Code and rules adopted by the registrar and is limited term. Every limited term identification card and limited term temporary identification card shall contain the words "limited term" and shall have any additional characteristics prescribed by the registrar distinguishing it from an identification card issued to a resident.

(B)(1) If a card is lost, destroyed, or mutilated, the person to whom the card was issued may obtain a duplicate by doing both of the following:

(a) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar or a deputy registrar;

(b) Filing an application and presenting documentary evidence under section 4507.51 of the Revised Code.

(2) A cardholder may apply to obtain a reprint of the cardholder's identification card through electronic means in accordance with section 4507.40 of the Revised Code.

(3) A cardholder may obtain a replacement identification card that reflects any change of the cardholder's name by furnishing suitable proof of the change to the registrar or a deputy registrar.

(4) Except as provided in division (B)(5) or (6) of this section, when a cardholder applies for a duplicate, reprint, or replacement identification card, the cardholder shall pay the following fees:

(a) Two dollars and fifty cents;

(b) A deputy registrar or service fee equal to the amount established under section 4503.038 of the Revised Code.

(5) The following cardholders may apply for a duplicate, reprint, or replacement identification card without payment of any fee prescribed in division (B)(4) of this section:

(a) A disabled veteran who has a service-connected disability rated at one hundred per cent by the veterans' administration;

(b) A resident who is permanently or irreversibly disabled;

(c) A resident who is in the custody of the department of rehabilitation and correction ~~or~~ , the department of youth services, a halfway house organization, a community-based correctional facility and program, or a district community-based correctional facility and program.

(6) A cardholder who is seventeen years of age or older may apply for a replacement identification card without payment of any fee prescribed in division (B)(4) of this section.

(7) A duplicate, reprint, or replacement identification card expires on the same date as the card it replaces.

(C) The registrar shall cancel any card upon determining that the card was obtained unlawfully, issued in error, or was altered.

(D)(1) No agent of the state or its political subdivisions shall condition the granting of any benefit, service, right, or privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly

operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 5120.102. As used in sections 5120.102 to ~~5120.105~~ 5120.106 of the Revised Code:

(A) "Private, nonprofit organization" means a private association, organization, corporation, or other entity that is exempt from federal income taxation under section 501(a) and is described in section 501(c) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended.

(B) "Governmental agency" means a state agency; a municipal corporation, county, township, other political subdivision or special district in this state established by or

pursuant to law, or a combination of those political subdivisions or special districts; the United States or a department, division, or agency of the United States; or an agency, commission, or authority established pursuant to an interstate compact or agreement.

(C) "State agency" means the state or one of its branches, offices, boards, commissions, authorities, departments, divisions, or other units or agencies of the state.

(D) "Halfway house organization" means a private, nonprofit organization or a governmental agency that provides programs or activities in areas directly concerned with housing and monitoring offenders who are under the community supervision of the department of rehabilitation and correction or whom a court places in a halfway house pursuant to section 2929.16 or 2929.26 of the Revised Code.

(E) "Halfway house facility" means a capital facility in this state to which all of the following apply:

(1) The construction of the capital facility is authorized or funded by the general assembly pursuant to division (C) of section 5120.105 of the Revised Code.

(2) The state owns or has a sufficient real property interest in the capital facility or in the site of the capital facility for a period of not less than the greater of the useful life of the capital facility, as determined by the director of budget and management using the guidelines for maximum maturities as provided under divisions (B), (C), and (E) of section 133.20 of the Revised Code and certified to the department of rehabilitation and correction and the treasurer of state, or the final maturity of obligations issued by the

treasurer of state to finance the capital facility.

(3) The capital facility is managed directly by, or by contract with, the department of rehabilitation and correction and is used for housing offenders who are under the community supervision of the department of rehabilitation and correction or whom a court places in a halfway house pursuant to section 2929.16 or 2929.26 of the Revised Code.

(F) "Construction" includes acquisition, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.

(G) "General building services" means general building services for a halfway house facility that include, but are not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.

(H) "Manage," "operate," or "management" means the provision of, or the exercise of control over the provision of, activities that relate to the housing of offenders in correctional facilities, including, but not limited to, providing for release services for offenders who are under the community supervision of the department of rehabilitation and correction or are placed by a court in a halfway house pursuant to section 2929.16 or 2929.26 of the Revised Code, and who reside in halfway house facilities.

Sec. 5120.106. (A) Within a reasonable time prior to an offender who is residing within a halfway house managed by a halfway house organization successfully completing the programming at that halfway house, the halfway house

organization shall attempt to verify the offender's age and identity in order to satisfy the requirements of section 4507.51 of the Revised Code.

(B) The halfway house organization shall provide each offender who does not have a current valid and unexpired state issued identification card or driver's license with the application described in section 4507.51 of the Revised Code. The halfway house organization shall submit any completed application, along with a color photograph of the offender and documentary evidence of the offender's age and identity, to the registrar of motor vehicles in accordance with the process established by the registrar under sections 4507.50 and 4507.51 of the Revised Code.

Section 2. That existing sections 4507.01, 4507.50, 4507.51, 4507.52, and 5120.102 of the Revised Code are hereby repealed.