



Report on Public Policy Position

Name of Committee:

Committee on Justice Initiatives

Contact Person:

Hon. Cynthia D. Stephens

E-mail:

cynthia.stephens@3rdcc.org

Bill Number:

HB 4525 (Condino) State; identification cards; forms of identification necessary to apply for a state identification card; include corrections identification card and allow access to certain department of corrections data. Amends sec. 1 of 1972 PA 222 (MCL 28.291). TIE BAR WITH: HB 4527'07, HB 4528'07

Date position was adopted:

April 12, 2007

Process used to take the ideological position:

Position adopted after discussion and vote at a scheduled meeting.

Number of members in the decision-making body:

19

Number who voted in favor and opposed to the position:

11 Voted for position

0 Voted against position

0 Abstained from vote

8 Did not vote

Position:

Support

Explanation of the position, including any recommended amendments:

CJI recommends that the State Bar support the principle that ex-offenders who are Michigan residents should have ID cards upon release (or shortly thereafter) so that they are not denied access to justice because they do not have the ID required to enter government buildings where judicial and administrative proceedings are held.

The JPI recommends that the State Bar communicate its support for this principle to the legislature.

The text of any legislation, court rule, or administrative regulation that is the subject of or referenced in this report.

<http://legislature.mi.gov/doc.aspx?2007-HB-4525>

RECOMMEND STATE BAR ACTION ON THIS ISSUE:

Many prisoners are currently being released from the Michigan Department of Corrections without state identification, such as a driver's license or state ID card. The prisoner's ID may have disappeared, along with other belongings, during the prisoner's incarceration. The ID may have been retained by prosecuting officials. The ID may have been lost when the prisoner was being transferred from one facility to another. Or the prisoner may not have had ID with him or her when arrested.

Former prisoners who lack ID face considerable difficulty in obtaining new ID upon release. DOC identification documents are not accepted by the Secretary of State as proof of identity. Many released prisoners do not have ready access to other types of documents accepted by the Secretary of State as proof of identity, such as birth certificates, marriage/divorce decrees, or school records. It can take weeks or months until the former prisoner can assemble the documents needed to get ID. Some released prisoners go without ID for a year or more.

The ability of former prisoners to obtain ID is critical not just for their ability to access the courts, but more generally for their reentry into society. Employers require ID to hire employees. Landlords require ID to rent to tenants. Utility companies require ID to provide service. And some social welfare programs require ID to provide benefits. Because research shows that the initial period post release is critical in terms of preventing recidivism, this time lag in obtaining ID damages the prospects for successful prisoner reentry. Without ID, former prisoners will have much more difficulty reestablishing themselves in the community.

CJI recommends that the Bar support this bill package because it would enable former prisoners to obtain ID more easily and ID is necessary to access many judicial and quasi-judicial forums in government buildings.

List any arguments against the position:

None

FOR LEGISLATIVE ISSUES ONLY:

This position falls within the following Keller-permissible category:

The regulation and discipline of attorneys

✓ **The improvement of the functioning of the courts**

✓ **The availability of legal services to society**

The regulation of attorney trust accounts

The regulation of the legal profession, including the education, the ethics, the competency, and the integrity of the profession.

Keller-permissible explanation:

Lack of ID can significantly impair the ability of former prisoners to access legal proceedings. Many federal courts and some state courts, such as the Michigan Court of Appeals, require individuals to show ID when entering the court building. Administrative agencies located in government buildings often also require individuals to show ID, making it potentially difficult for former prisoners without ID to attend administrative hearings. The federal Real ID Act of 2005 will further restrict the ability of former prisoners who lack ID to access government buildings, including courts.