

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1601 Session of 2023

INTRODUCED BY KINKEAD, KINSEY, HILL-EVANS, HOHENSTEIN, MADDEN, McNEILL, RABB, SANCHEZ, GUENST, KAZEEM, MAYES, HANBIDGE, WAXMAN, GIRAL, M. JONES, KHAN, HOWARD, CEPEDA-FREYTIZ, OTTEN, KRAJEWSKI, GREEN, WEBSTER AND TAKAC, AUGUST 7, 2023

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MARCH 26, 2024

AN ACT

1 ~~Amending Title 61 (Prisons and Parole) of the Pennsylvania~~ <--  
2 ~~Consolidated Statutes, establishing the Identification Upon~~  
3 ~~Reentry Program.~~

4 AMENDING TITLE 61 (PRISONS AND PAROLE) OF THE PENNSYLVANIA <--  
5 CONSOLIDATED STATUTES, ESTABLISHING THE IDENTIFICATION UPON  
6 REENTRY PROGRAM.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 ~~Section 1. Title 61 of the Pennsylvania Consolidated~~ <--  
10 ~~Statutes is amended by adding a chapter to read:~~

11 CHAPTER 49A

12 IDENTIFICATION UPON REENTRY

13 Sec.

14 49A01. Scope of chapter.

15 49A02. Definitions.

16 49A03. Establishment.

17 49A04. Administration.

18 49A05. Guidelines.

1 ~~49A06. Responsibilities of paying costs.~~

2 ~~49A07. Rules and regulations.~~

3 ~~§ 49A01. Scope of chapter.~~

4 ~~This chapter relates to the Identification Upon Reentry~~  
5 ~~Program.~~

6 ~~§ 49A02. Definitions.~~

7 ~~The following words and phrases when used in this chapter~~  
8 ~~shall have the meanings given to them in this section unless the~~  
9 ~~context clearly indicates otherwise:~~

10 ~~"Acceptable proof of residency." A current and unexpired~~  
11 ~~driver's license or photo identification card, vehicle~~  
12 ~~registration card, auto insurance card, computer generated~~  
13 ~~utility bill showing a person's name and address, postmarked~~  
14 ~~mail or package label, W 2 form or pay stub, lease agreement or~~  
15 ~~mortgage document or official tax record reflecting a person's~~  
16 ~~name and address.~~

17 ~~"Article." The following:~~

18 ~~(1) A Social Security card.~~

19 ~~(2) An acceptable proof of residency.~~

20 ~~"Assist." Printing necessary forms, ensuring that an~~  
21 ~~eligible offender has filled forms out correctly with sufficient~~  
22 ~~information, facilitating communication between an eligible~~  
23 ~~offender and State agencies and keeping an eligible offender~~  
24 ~~updated on the developments of their case.~~

25 ~~"Certificate." A birth certificate, certificate of United~~  
26 ~~States citizenship or certificate of naturalization.~~

27 ~~"Costs." Application fees and translation services and other~~  
28 ~~goods or services that require a payment from an eligible~~  
29 ~~offender.~~

30 ~~"Eligible offender." An incarcerated individual who is to be~~

1 ~~released from a State correctional institution or juvenile~~  
2 ~~detention facility and who shall continue residing in this~~  
3 ~~Commonwealth upon release and has not decided to opt out of the~~  
4 ~~program.~~

5 ~~"Program." The Identification Upon Reentry Program~~  
6 ~~established under section 49A03 (relating to establishment).~~

7 ~~"Specified area." An area within this Commonwealth,~~  
8 ~~determined by the department, where driving a car is not~~  
9 ~~necessary due to access to public transportation or other~~  
10 ~~transportation.~~

11 ~~"Work permit." A transferable work permit valid for minors~~  
12 ~~16 and 17 years of age and valid for the entire time the minor~~  
13 ~~is eligible for work through 18 years of age.~~

14 ~~§ 49A03. Establishment.~~

15 ~~The department, in collaboration with the Department of Human~~  
16 ~~Services and the Department of Transportation, shall establish~~  
17 ~~the Identification Upon Reentry Program to provide eligible~~  
18 ~~offenders with birth certificates, Social Security cards, photo~~  
19 ~~identification cards, driver's licenses in the form of camera or~~  
20 ~~photo identification cards and work permits upon release from a~~  
21 ~~State correctional institution or juvenile detention center.~~

22 ~~§ 49A04. Administration.~~

23 ~~The program shall be administered as follows:~~

24 ~~(1) The department, the Department of Human Services and~~  
25 ~~the Department of Transportation shall establish policies~~  
26 ~~necessary to carry out the program, including program~~  
27 ~~requirements and implementation.~~

28 ~~(2) The department, the Department of Human Services and~~  
29 ~~the Department of Transportation may seek Federal or State~~  
30 ~~funding to support the program.~~

1       ~~(3) The department, the Department of Human Services and~~  
2 ~~the Department of Transportation shall develop monitoring and~~  
3 ~~accountability systems to confirm that the program is being~~  
4 ~~efficiently carried out. The monitoring and accountability~~  
5 ~~systems shall include the submission of an annual report to~~  
6 ~~the Law and Justice Committee of the Senate and the Judiciary~~  
7 ~~Committee of the House of Representatives. The annual report~~  
8 ~~shall include the number and percentage of offenders released~~  
9 ~~with articles, certificates, camera or photo identification~~  
10 ~~cards and driver's licenses and the number and percentage of~~  
11 ~~offenders released without such documents and the reasons~~  
12 ~~why.~~

13 ~~§ 49A05. Guidelines.~~

14 ~~The following guidelines shall apply:~~

15       ~~(1) Prior to the release of an eligible offender, the~~  
16 ~~department, in consultation with the Department of Human~~  
17 ~~Services and the Department of Transportation, shall assist~~  
18 ~~an eligible offender in obtaining the following:~~

19           ~~(i) A birth certificate.~~

20           ~~(ii) A Social Security card.~~

21           ~~(iii) A photo identification card.~~

22           ~~(iv) A driver's license in the form of a camera~~  
23 ~~card.~~

24           ~~(v) A work permit.~~

25       ~~(2) Once an eligible offender is made aware of the~~  
26 ~~eligible offender's ability to participate and available~~  
27 ~~options under the program, the eligible offender may opt out~~  
28 ~~of participation in the program.~~

29       ~~(3) The department, in consultation with the Department~~  
30 ~~of Human Services and the Department of Transportation, shall~~

1 ~~assist an eligible offender in obtaining the necessary~~  
2 ~~articles and certificates needed to apply for a driver's~~  
3 ~~license, photo identification card and work permit.~~

4 ~~(4) If an eligible offender was born in another state or~~  
5 ~~became a United States citizen or a naturalized citizen, the~~  
6 ~~department and the Department of Human Services shall remain~~  
7 ~~responsible for assisting the eligible offender in obtaining~~  
8 ~~the necessary documents from the appropriate agencies before~~  
9 ~~the eligible offender is released.~~

10 ~~(5) The Department of Transportation, in cooperation~~  
11 ~~with the department, shall issue a renewed or replacement~~  
12 ~~driver's license in the form of a camera card to an eligible~~  
13 ~~offender deemed eligible to drive.~~

14 ~~(6) If an eligible offender's driver's license is~~  
15 ~~expired, the department, in cooperation with the Department~~  
16 ~~of Transportation, shall renew the eligible offender's~~  
17 ~~driver's license.~~

18 ~~(7) The Department of Transportation, in cooperation~~  
19 ~~with the department and the Department of Human Services,~~  
20 ~~shall issue a new or replacement photo identification card in~~  
21 ~~the form of a camera or photo identification card to an~~  
22 ~~eligible offender who is not old enough to drive or resides~~  
23 ~~in a specified area.~~

24 ~~(8) If an eligible offender's driver's license has been~~  
25 ~~issued a definite suspension by the Department of~~  
26 ~~Transportation, the department, in cooperation with the~~  
27 ~~Department of Transportation, shall provide the offender with~~  
28 ~~a restoration requirement letter, assist the eligible~~  
29 ~~offender in applying for reinstatement and inform the~~  
30 ~~eligible offender of when the application will be approved.~~

1       ~~(9) If an eligible offender's driver's license has been~~  
2 ~~issued an indefinite suspension by the Department of~~  
3 ~~Transportation, the department shall issue the eligible~~  
4 ~~offender a photo identification card in the form of a camera~~  
5 ~~card and the Department of Transportation shall provide the~~  
6 ~~offender with a pamphlet that includes the steps that the~~  
7 ~~eligible offender must take to contest a suspended license~~  
8 ~~resulting from a court conviction.~~

9       ~~(10) If an eligible offender's suspended driver's~~  
10 ~~license cannot be reinstated prior to the eligible offender's~~  
11 ~~release, the Department of Transportation shall inform the~~  
12 ~~eligible offender of the option to apply for an occupational~~  
13 ~~limited license or a probationary license. If the eligible~~  
14 ~~offender decides to apply, the department, in cooperation~~  
15 ~~with the Department of Transportation, shall assist the~~  
16 ~~offender in applying for the occupational limited license or~~  
17 ~~a probationary license, including assisting the eligible~~  
18 ~~offender in filling out and sending a probationary license~~  
19 ~~petition or an occupational limited license petition, paying~~  
20 ~~all appropriate petition fees, updating the eligible offender~~  
21 ~~on the Department of Transportation's response to the~~  
22 ~~petition and delivering an occupational limited license~~  
23 ~~camera card to a qualifying offender.~~

24       ~~(11) If an eligible offender is being released prior to~~  
25 ~~the eligible offender's 18th birthday and the offender meets~~  
26 ~~eligibility requirements under the act of October 24, 2012~~  
27 ~~(P.L.1209, No.151), known as the Child Labor Act, the~~  
28 ~~Department of Labor and Industry, in cooperation with the~~  
29 ~~Department of Human Services, shall issue a work permit to an~~  
30 ~~eligible offender under 18 years of age once all requirements~~

1 ~~of a work permit have been met.~~

2 ~~§ 49A06. Responsibilities of paying costs.~~

3 ~~The department shall pay all costs of obtaining articles,~~  
4 ~~certificates, applications and driver's licenses in the form of~~  
5 ~~camera cards and photo identification cards for eligible~~  
6 ~~offenders. The Department of Human Services shall pay all costs~~  
7 ~~of obtaining work permits for eligible offenders.~~

8 ~~§ 49A07. Rules and regulations.~~

9 ~~The department, the Department of Human Services and the~~  
10 ~~Department of Transportation may promulgate rules and~~  
11 ~~regulations necessary to implement this chapter.~~

12 ~~Section 2. This act shall take effect in 60 days.~~

13 SECTION 1. TITLE 61 OF THE PENNSYLVANIA CONSOLIDATED  
14 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

<--

15 CHAPTER 49A

16 IDENTIFICATION UPON REENTRY

17 SEC.

18 49A01. SCOPE OF CHAPTER.

19 49A02. DEFINITIONS.

20 49A03. ESTABLISHMENT.

21 49A04. ADMINISTRATION.

22 49A05. GUIDELINES.

23 49A06. RESPONSIBILITIES OF PAYING COSTS.

24 49A07. RULES AND REGULATIONS.

25 § 49A01. SCOPE OF CHAPTER.

26 THIS CHAPTER RELATES TO THE IDENTIFICATION UPON REENTRY  
27 PROGRAM.

28 § 49A02. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
30 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE

1 CONTEXT CLEARLY INDICATES OTHERWISE:

2 "ASSIST." PRINTING NECESSARY FORMS, ENSURING THAT AN  
3 ELIGIBLE OFFENDER HAS FILLED FORMS OUT CORRECTLY WITH SUFFICIENT  
4 INFORMATION, FACILITATING COMMUNICATION BETWEEN AN ELIGIBLE  
5 OFFENDER AND STATE AGENCIES AND KEEPING AN ELIGIBLE OFFENDER  
6 UPDATED ON THE DEVELOPMENTS OF THEIR CASE.

7 "COSTS." APPLICATION FEES AND TRANSLATION SERVICES AND OTHER  
8 GOODS OR SERVICES THAT REQUIRE A PAYMENT FROM AN ELIGIBLE  
9 OFFENDER.

10 "ELIGIBLE OFFENDER." AN INCARCERATED INDIVIDUAL WHO IS TO BE  
11 RELEASED FROM A STATE CORRECTIONAL INSTITUTION AND HAS DECIDED  
12 TO PARTICIPATE IN THE PROGRAM.

13 "PROGRAM." THE IDENTIFICATION UPON REENTRY PROGRAM  
14 ESTABLISHED UNDER SECTION 49A03 (RELATING TO ESTABLISHMENT).  
15 § 49A03. ESTABLISHMENT.

16 THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENT OF  
17 HEALTH AND THE DEPARTMENT OF TRANSPORTATION, SHALL ESTABLISH THE  
18 IDENTIFICATION UPON REENTRY PROGRAM TO PROVIDE ELIGIBLE  
19 OFFENDERS WITH BIRTH CERTIFICATES, SOCIAL SECURITY CARDS, PHOTO  
20 IDENTIFICATION CARDS AND DRIVER'S LICENSES UPON RELEASE FROM A  
21 STATE CORRECTIONAL INSTITUTION.

22 § 49A04. ADMINISTRATION.

23 THE PROGRAM SHALL BE ADMINISTERED AS FOLLOWS:

24 (1) THE DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE  
25 DEPARTMENT OF TRANSPORTATION SHALL ESTABLISH POLICIES  
26 NECESSARY TO CARRY OUT THE PROGRAM, INCLUDING PROGRAM  
27 REQUIREMENTS AND IMPLEMENTATION.

28 (2) THE DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE  
29 DEPARTMENT OF TRANSPORTATION MAY SEEK FEDERAL OR STATE  
30 FUNDING TO SUPPORT THE PROGRAM.

1           (3) THE DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE  
2 DEPARTMENT OF TRANSPORTATION SHALL DEVELOP MONITORING AND  
3 ACCOUNTABILITY SYSTEMS TO CONFIRM THAT THE PROGRAM IS BEING  
4 EFFICIENTLY CARRIED OUT. THE MONITORING AND ACCOUNTABILITY  
5 SYSTEMS SHALL INCLUDE THE SUBMISSION OF AN ANNUAL REPORT TO  
6 THE LAW AND JUSTICE COMMITTEE OF THE SENATE AND THE JUDICIARY  
7 COMMITTEE OF THE HOUSE OF REPRESENTATIVES. THE ANNUAL REPORT  
8 SHALL INCLUDE THE NUMBER AND PERCENTAGE OF OFFENDERS RELEASED  
9 WITH BIRTH CERTIFICATES, PHOTO IDENTIFICATION CARDS AND  
10 DRIVER'S LICENSES AND THE NUMBER AND PERCENTAGE OF OFFENDERS  
11 RELEASED WITHOUT SUCH DOCUMENTS AND THE REASONS WHY.

12 § 49A05. GUIDELINES.

13 THE FOLLOWING GUIDELINES SHALL APPLY:

14           (1) PRIOR TO THE RELEASE OF AN ELIGIBLE OFFENDER, THE  
15 DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF  
16 TRANSPORTATION, SHALL ASSIST AN ELIGIBLE OFFENDER IN  
17 OBTAINING THE FOLLOWING:

18                   (I) A PHOTO IDENTIFICATION CARD; OR

19                   (II) A DRIVER'S LICENSE.

20           (2) ONCE AN ELIGIBLE OFFENDER IS MADE AWARE OF THE  
21 ELIGIBLE OFFENDER'S ABILITY TO PARTICIPATE AND AVAILABLE  
22 OPTIONS UNDER THE PROGRAM, THE ELIGIBLE OFFENDER MAY OPT OUT  
23 OF PARTICIPATION IN THE PROGRAM.

24           (3) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT  
25 OF HEALTH AND THE SOCIAL SECURITY ADMINISTRATION, SHALL  
26 ASSIST AN ELIGIBLE OFFENDER IN OBTAINING THE NECESSARY  
27 DOCUMENTS, INCLUDING A SOCIAL SECURITY CARD AND BIRTH  
28 CERTIFICATE, NEEDED TO APPLY FOR A DRIVER'S LICENSE OR PHOTO  
29 IDENTIFICATION CARD.

30           (4) IF AN ELIGIBLE OFFENDER WAS BORN IN ANOTHER STATE OR

1 BECAME A UNITED STATES CITIZEN OR A NATURALIZED CITIZEN, THE  
2 DEPARTMENT SHALL ASSIST THE ELIGIBLE OFFENDER IN OBTAINING  
3 THE NECESSARY DOCUMENTS FROM THE APPROPRIATE AGENCIES TO  
4 APPLY FOR A PHOTO IDENTIFICATION CARD OR DRIVER'S LICENSE.

5 (5) UPON APPLICATION, THE DEPARTMENT OF TRANSPORTATION,  
6 IN COOPERATION WITH THE DEPARTMENT, SHALL ISSUE A RENEWED OR  
7 REPLACEMENT DRIVER'S LICENSE TO AN ELIGIBLE OFFENDER DEEMED  
8 ELIGIBLE TO DRIVE. IF AN ELIGIBLE OFFENDER'S DRIVER'S LICENSE  
9 IS EXPIRED OR THE ELIGIBLE OFFENDER IS IN NEED OF A  
10 REPLACEMENT DRIVER'S LICENSE, THE DEPARTMENT, IN COOPERATION  
11 WITH THE DEPARTMENT OF TRANSPORTATION, SHALL ASSIST THE  
12 ELIGIBLE OFFENDER WITH RENEWING THE ELIGIBLE OFFENDER'S  
13 DRIVER'S LICENSE OR REQUESTING A REPLACEMENT.

14 (6) UPON APPLICATION, THE DEPARTMENT OF TRANSPORTATION,  
15 IN COOPERATION WITH THE DEPARTMENT SHALL ISSUE A NEW, RENEWED  
16 OR REPLACEMENT PHOTO IDENTIFICATION CARD TO AN ELIGIBLE  
17 OFFENDER.

18 (7) IF AN ELIGIBLE OFFENDER'S DRIVING PRIVILEGE IS UNDER  
19 A TERM OR INDEFINITE SUSPENSION BY THE DEPARTMENT OF  
20 TRANSPORTATION, THE DEPARTMENT, IN COOPERATION WITH THE  
21 DEPARTMENT OF TRANSPORTATION, SHALL PROVIDE THE OFFENDER WITH  
22 A RESTORATION REQUIREMENTS LETTER AND THE DEPARTMENT SHALL  
23 ASSIST THE ELIGIBLE OFFENDER IN APPLYING FOR A PHOTO  
24 IDENTIFICATION CARD.

25 (8) IF AN ELIGIBLE OFFENDER'S DRIVER'S LICENSE IS  
26 EXPIRED OR THE ELIGIBLE OFFENDER IS IN NEED OF A REPLACEMENT  
27 DRIVER'S LICENSE, THE DEPARTMENT, IN COOPERATION WITH THE  
28 DEPARTMENT OF TRANSPORTATION, SHALL ASSIST THE ELIGIBLE  
29 OFFENDER WITH RENEWING THE ELIGIBLE OFFENDER'S DRIVER'S  
30 LICENSE OR REQUESTING A REPLACEMENT.

1           (9) IF AN ELIGIBLE OFFENDER'S DRIVING PRIVILEGE CANNOT  
2 BE REINSTATED PRIOR TO RELEASE, THE DEPARTMENT, IN  
3 COOPERATION WITH THE DEPARTMENT OF TRANSPORTATION, SHALL  
4 INFORM THE ELIGIBLE OFFENDER OF THE OPTION TO APPLY FOR AN  
5 OCCUPATIONAL LIMITED LICENSE OR A PROBATIONARY LICENSE AND  
6 PROVIDE INFORMATION RELATING TO OCCUPATIONAL LIMITED LICENSES  
7 AND PROBATIONARY LICENSES.

8 § 49A06. RESPONSIBILITIES OF PAYING COSTS.

9           AN ELIGIBLE OFFENDER SHALL NOT BE RESPONSIBLE FOR ANY COSTS  
10 ASSOCIATED WITH THE PROVISIONS OF THIS CHAPTER.

11 § 49A07. RULES AND REGULATIONS.

12           THE DEPARTMENT, THE DEPARTMENT OF HEALTH AND THE DEPARTMENT  
13 OF TRANSPORTATION MAY PROMULGATE RULES AND REGULATIONS NECESSARY  
14 TO IMPLEMENT THIS CHAPTER.

15           SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.