

HOUSE No. 2460

The Commonwealth of Massachusetts

PRESENTED BY:

Brandy Fluker Oakley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to successful transition and re-entry to tomorrow for incarcerated persons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Brandy Fluker Oakley</i>	<i>12th Suffolk</i>	<i>2/19/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/20/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/2/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>3/1/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>3/10/2021</i>

HOUSE No. 2460

By Ms. Fluker Oakley of Boston, a petition (accompanied by bill, House, No. 2460) of Brandy Fluker Oakley and others relative to the application process for incarcerated persons to receive identification cards upon release. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to successful transition and re-entry to tomorrow for incarcerated persons.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 127 of the General Laws, as appearing in the 2018 Official Edition,
2 is hereby amended by inserting the end thereof the following new section: -

3 Section 170 - Provision of identification to incarcerated persons upon re-entry

4 (a) In this section the following terms shall have the following definitions.

5 (1) Incarcerated person— a person convicted of a crime and committed, under sentence,
6 to a correctional facility.

7 (2) Correctional facility— any building, enclosure, space or structure used for the
8 custody, control and rehabilitation of incarcerated persons and of such other persons as may be
9 placed in custody therein in accordance with law.

10 (b) Processing Identification Cards.— The commissioner and all county sheriffs shall
11 ensure that, not later than 30 days prior to the expected discharge date of an incarcerated person

12 serving a sentence from any state or county correctional facility, the commissioner or county
13 sheriff supervising such incarcerated person shall begin the process for securing from the
14 Registry of Motor Vehicles, on behalf of the incarcerated person, an identification card.

15 (1) If practicable for the commissioner or county sheriff to secure the requisite
16 documentation, an incarcerated person shall be provided with a REAL ID-compliant form of
17 identification; or

18 (2) after the commissioner or county sheriff has exhausted all practicable options to
19 secure documentation as described in paragraph (1), the commissioner or county sheriff shall
20 secure the requisite documentation necessary and provide an incarcerated person with a
21 Massachusetts identification card.

22 (c) Residency.— Notwithstanding chapter 90 or regulations promulgated by the Registry
23 of Motor Vehicles, if an incarcerated person who does not have a permanent address that would
24 fulfill residence requirements otherwise indicated by the Registry of Motor Vehicles, the
25 following addresses shall be accepted for the sole purpose of issuing an identification card:

26 (1) the residence of an immediate family member;

27 (2) a temporary residence, such as a homeless shelter, a halfway house, or similar
28 residences;

29 (3) a place of worship, community center, non-profit organization, or similar
30 organizations; or

31 (4) the address of the city or town hall in the municipality in which the incarcerated
32 person intends to reside upon discharge;

33 (5) If an incarcerated person chooses to provide an address from paragraphs (1)-(3),
34 notice shall be given to the owner of such residence or property within 7 days, including an
35 option to object to the listing of the address on the incarcerated person's proposed identification
36 card. If the owner of such residence objects within 14 days, then the incarcerated person shall be
37 provided with the option to select a different address from paragraphs (1)-(4).

38 (d) Opt-Out.—An incarcerated person may affirmatively choose not to receive an
39 identification card in accordance with subsection (a).

40 (e) Indigency Waiver.— If an incarcerated person submits an affidavit of indigency in
41 accordance with section 29 of chapter 261, then the Registry of Motor Vehicles shall provide the
42 identification card in accordance with subsection (a) at no cost to the incarcerated person.

43 (f) Prevention of Future Fees.— Neither the Registry of Motor Vehicles, nor a
44 correctional facility, or its affiliates, shall charge fees for incarcerated people in excess of the
45 fees charged to the general public to receive a comparable identification card.

46 (g) Provision of Identification During Re-Entry.— Upon discharge from a state or county
47 correctional facility, an incarcerated person who did not affirmatively choose to refuse an
48 identification card in accordance with subsection (d) shall be provided with their identification
49 card.

50 (h) Construction.— Nothing in this section shall be construed to extend the sentence of
51 an incarcerated person, nor shall an incarcerated person be held solely for the purpose of
52 fulfilling the requirements of this section.”