

HOUSE BILL 231

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT TO OBTAIN IDENTIFICATION CARDS FOR CHILDREN
UNDER ITS SUPERVISION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Children's Code is
enacted to read:

"[NEW MATERIAL] CHILDREN IN FOSTER CARE--IDENTIFICATION
CARD.--

A. Except as provided in Subsection B of this
section, for a child placed under the supervision of the
department, the department shall obtain an identification card
issued for a child pursuant to Section 66-5-401 NMSA 1978 no
later than ninety days after the placement of the child under
the supervision of the department.

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1 B. If the department is unable to comply with the
2 provisions of Subsection A of this section due to the child's
3 incarceration, elopement, physical or mental disability or
4 specialized placement where the child cannot be transported, or
5 upon approval of the court, the department shall obtain the
6 identification card no later than ninety days from the date the
7 condition preventing compliance ceases to exist."

8 **SECTION 2.** Section 66-5-401 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 328, as amended) is amended to read:

10 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

11 A. A person who does not have a valid New Mexico
12 driver's license may be issued an identification card by the
13 department. An application for an identification card or
14 renewal of an identification card shall be made upon a form
15 furnished by the department.

16 B. The department shall establish two distinct
17 identification cards as provided in Section 66-5-405 NMSA 1978:

18 (1) a REAL ID-compliant identification card;

19 and

20 (2) a standard identification card.

21 C. An application for a REAL ID-compliant
22 identification card shall contain the applicant's full legal
23 name; date of birth; sex; and current New Mexico residence
24 address and shall briefly describe the applicant.

25 D. An application for a standard identification

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1 card shall bear the applicant's full name; date of birth; sex;
2 and current New Mexico residence address and shall briefly
3 describe the applicant.

4 E. The secretary shall establish by rule documents
5 that may be accepted as evidence of the residency of the
6 applicant.

7 F. A person applying for or renewing a REAL
8 ID-compliant identification card shall provide documentation
9 required by the federal government of the applicant's identity;
10 date of birth; social security number, if applicable; address
11 of current residence; and lawful status. The department shall
12 verify the applicant's lawful status and social security
13 number, if applicable, through a method approved by the federal
14 government. Pursuant to the federal REAL ID Act of 2005, the
15 secretary shall establish a written, defined exception process
16 to allow a person to demonstrate the person's identity, age and
17 lawful status. The process shall allow a person to use a
18 certified letter of enrollment or a valid identification card
19 issued by a federally recognized Indian nation, tribe or pueblo
20 to demonstrate the person's identity or age or to demonstrate
21 the person's lawful status, if applicable. A person with
22 lawful status may apply for a REAL ID-compliant identification
23 card or a standard identification card. Every application for
24 an identification card shall be signed by the applicant or the
25 applicant's parent or guardian. The secretary may, for good

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1 cause, revoke or deny the issuance of an identification card.

2 G. An application by a foreign national with lawful
3 status for a REAL ID-compliant identification card shall
4 contain the unique identifying number and expiration date, if
5 applicable, of the foreign national's valid passport, valid
6 visa, employment authorization card issued under the
7 applicant's approved deferred action status or other
8 arrival-departure record or document issued by the federal
9 government that conveys lawful status. The department may
10 issue to an eligible foreign national applicant a REAL ID-
11 compliant identification card that is valid for a period not to
12 exceed the duration of the applicant's lawful status; provided
13 that if that date cannot be determined by the department and
14 the applicant is not a legal permanent resident, the
15 identification card shall expire one year after the effective
16 date of the identification card.

17 H. The department shall issue a standard
18 identification card to an applicant who is otherwise eligible
19 but who does not provide proof of lawful status and who
20 affirmatively acknowledges that the applicant understands that
21 a standard identification card may not be valid for federal
22 purposes. An applicant who does not provide proof of lawful
23 status shall only apply for a standard identification card. An
24 application for a standard identification card shall include
25 proof of the applicant's identity and age.

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1 I. The secretary may adopt rules providing for the
2 proration of fees due to shortened validity periods authorized
3 pursuant to the provisions of this section.

4 J. Within the forms prescribed by the department
5 for identification card applications, a space shall be provided
6 to show whether the applicant is a donor as provided in the
7 Jonathan Spradling Revised Uniform Anatomical Gift Act. A
8 person applying for an identification card may indicate that
9 person's status on the space provided on the application. The
10 donor status indicated by the applicant shall be displayed on
11 the identification card. The form and identification card
12 shall be signed by the donor in the presence of a witness who
13 shall also sign the form in the donor's presence.

14 K. The children, youth and families department may
15 apply for and receive an identification card on behalf of a
16 child who has been placed under its supervision."

17 SECTION 3. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is January 1, 2024.