

# HOUSE BILL No. 4620

April 24, 2013, Introduced by Reps. Zemke, Irwin, Dillon, Singh, Tlaib, Schor, Knezek and Ananich and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1972 PA 222, entitled

"An act to provide for an official personal identification card; to provide for its form, issuance and use; to regulate the use and disclosure of information obtained from the card; to prescribe the powers and duties of the secretary of state; to prescribe fees; to prescribe certain penalties for violations; and to provide an appropriation for certain purposes,"

by amending section 1 (MCL 28.291), as amended by 2012 PA 25.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. (1) ~~A person~~**AN INDIVIDUAL** who is a resident of this  
2 state may apply to the department of state for an official state  
3 personal identification card. Upon application, the applicant shall  
4 supply a photographic identity document, a birth certificate or  
5 other nonphotographic identity document, and other sufficient  
6 documents as the secretary of state may require to verify the  
7 identity and citizenship of the applicant. If an applicant for an

1 official state personal identification card is not a citizen of the  
2 United States, the applicant shall supply a photographic identity  
3 document and other sufficient documents to verify the identity of  
4 the applicant and the applicant's legal presence **OR DEFERRED STATUS**  
5 in the United States under subsection (5). The documents required  
6 under this subsection shall include the applicant's full legal  
7 name, date of birth, address, and residency and demonstrate that  
8 the applicant is a citizen of the United States, ~~or~~ is legally  
9 present in the United States, **OR HAS DEFERRED STATUS IN THE UNITED**  
10 **STATES**. If the applicant's full legal name differs from the name of  
11 the applicant that appears on a document presented under this  
12 subsection, the applicant shall present documents to verify his or  
13 her current full legal name. An application for a state personal  
14 identification card shall be made in a manner prescribed by the  
15 secretary of state and shall contain the applicant's full legal  
16 name, date of birth, residence address, height, sex, eye color,  
17 signature, intent to be an organ donor, other information required  
18 or permitted on the official state personal identification card  
19 and, only to the extent **NECESSARY** to comply with federal law, the  
20 applicant's social security number. The applicant may provide a  
21 mailing address if the applicant receives mail at an address  
22 different from his or her residence address.

23 (2) The secretary of state shall accept as 1 of the  
24 identification documents required under subsection (1) an  
25 identification card issued by the department of corrections to  
26 prisoners who are placed on parole or released from a correctional  
27 facility, containing the prisoner's legal name, photograph, and

1 other information identifying the prisoner as provided in section  
2 37(4) of the corrections code of 1953, 1953 PA 232, MCL 791.237.

3 (3) The secretary of state shall have electronic access to  
4 prisoner information maintained by the department of corrections  
5 for the purpose of verifying the identity of a prisoner who applies  
6 for an official state identification card under subsection (1).

7 (4) The secretary of state shall not issue an official state  
8 personal identification card to ~~a person~~ **AN INDIVIDUAL** who holds an  
9 operator's or chauffeur's license issued under the Michigan vehicle  
10 code, 1949 PA 300, MCL 257.1 to 257.923, unless the license has  
11 been suspended, revoked, or restricted.

12 (5) If the applicant is not a citizen of the United States,  
13 the applicant shall provide, and the department shall verify,  
14 documents demonstrating his or her legal presence in the United  
15 States **OR DEFERRED STATUS IN THE UNITED STATES**. Nothing in this act  
16 ~~shall obligate~~ **OBLIGATES** or **SHALL** be construed to obligate this  
17 state to comply with title II of the real ID act of 2005, Public  
18 Law 109-13. The secretary of state may adopt rules under the  
19 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to  
20 24.328, as are necessary for the administration of this subsection.  
21 A determination by the secretary of state that an applicant is not  
22 legally present in the United States **OR DOES NOT HAVE DEFERRED**  
23 **STATUS IN THE UNITED STATES** may be appealed under section 631 of  
24 the revised judicature act of 1961, 1961 PA 236, MCL 600.631.

25 (6) The secretary of state shall not disclose a social  
26 security number obtained under subsection (1) to another person  
27 except for use for 1 or more of the following purposes:

1 (a) Compliance with 49 USC 31301 to 31317 and regulations and  
2 rules related to this act.

3 (b) To carry out the purposes of section 466(a) of the social  
4 security act, 42 USC 666, in connection with matters relating to  
5 paternity, child support, or overdue child support.

6 (c) With the department of community health, for comparison  
7 with vital records maintained by the department of community health  
8 under part 28 of the public health code, 1978 PA 368, MCL 333.2801  
9 to 333.2899.

10 (d) As otherwise required by law.

11 (7) The secretary of state shall not display a ~~person's~~ **AN**  
12 **INDIVIDUAL'S** social security number on the ~~person's~~ **INDIVIDUAL'S**  
13 official state personal identification card.

14 (8) A requirement under this section to include a social  
15 security number on an application does not apply to an applicant  
16 who demonstrates he or she is exempt under law from obtaining a  
17 social security number.

18 (9) The secretary of state, with the approval of the state  
19 administrative board created under 1921 PA 2, MCL 17.1 to 17.3, may  
20 enter into agreements with the United States government to verify  
21 whether an applicant for an official state personal identification  
22 card under this section who is not a citizen of the United States  
23 is authorized under federal law to be present in the United States.

24 (10) The secretary of state shall not issue an official state  
25 personal identification card to a ~~person~~ **AN INDIVIDUAL** holding an  
26 official state personal identification card issued by another state  
27 without confirmation that the ~~person~~ **INDIVIDUAL** is terminating or

1 has terminated the official state personal identification card  
2 issued by the other state.

3 (11) The secretary of state shall do all of the following:

4 (a) Ensure the physical security of locations where official  
5 state personal identification cards are produced and the security  
6 of document materials and papers from which official state personal  
7 identification cards are produced.

8 (b) Subject all persons authorized to manufacture or produce  
9 official state personal identification cards and all persons who  
10 have the ability to affect the identity information that appears on  
11 official state personal identification cards to appropriate  
12 security clearance requirements. The security requirements of this  
13 subdivision and subdivision (a) may require that official state  
14 personal identification cards be manufactured or produced in this  
15 state.

16 (c) Provide fraudulent document recognition programs to  
17 department of state employees engaged in the issuance of official  
18 state personal identification cards.

19 (12) AS USED IN THIS SECTION, "DEFERRED STATUS" MEANS THAT THE  
20 INDIVIDUAL HAS BEEN GRANTED A DEFERRAL FROM PROSECUTION FOR  
21 UNLAWFUL STATUS IN THE UNITED STATES BY THE UNITED STATES  
22 DEPARTMENT OF HOMELAND SECURITY THROUGH THE FEDERAL EXECUTIVE  
23 BRANCH PROGRAM KNOWN AS DEFERRED ACTION FOR CHILDHOOD ARRIVALS  
24 (DACA) .