

CONCURRENCE IN SENATE AMENDMENTS

AB 1766 (Stone, et al.)

As Amended August 24, 2022

Majority vote

SUMMARY

Requires the Department of Motor Vehicles (DMV) to issue restricted identification cards to eligible applicants who are unable to verify that their presence in the United States is authorized under federal law.

Senate Amendments

Add technical and clarifying language, and

- 1) Expand the list of individuals identified in this bill who are eligible for an identification card to include inmates as defined.
- 2) Remove the ability for DMV to share individuals' data with law enforcement agencies when requested in order to address an urgent health or safety need.
- 3) Remove the requirement for identification cards to have the letters "IC" printed on them.
- 4) Prohibit identification cards issued pursuant to this bill to be used during the course of an eligibility check for the purposes of purchasing or transferring firearms, firearms precursor parts, or ammunition.
- 5) Delay the implementation of this bill until January 1, 2027.
- 6) Allow applicant documents to be shared with law enforcement upon request for an urgent health or safety need, which does not include immigration enforcement.
- 7) Address chaptering out language with SB 523 (Leyva) of the current legislative session.

COMMENTS

This bill would require the DMV, no later than January 1, 2027, to issue ID cards to any person who is unable to submit proof of lawful presence in the United States, as authorized under federal law, if they are otherwise able to demonstrate proof of their identity and California residency. It is important to note that these criteria are now used by DMV to issue driver licenses (to individuals who qualify, but are not Deferred Action for Childhood Arrivals (DACA) participants). By allowing undocumented individuals who do not qualify for a driver's license to obtain an ID card, this bill would very likely achieve the goal identified by the author to ensure all undocumented residents have access to a government ID, thereby increasing greater access to important resources and benefits.

Committee comments: The Senate amendments reinforce data privacy by removing DMV's ability to share data with law enforcement agencies unless under court order and by removing the identifying feature of "IC" printed on the identifications cards. The amendments also expand the list of individuals identified in this bill who are eligible for an identification card to include inmates, which is in line with previous legislation. Additionally, the amendments do not allow

identification cards to be used in the course of a background check for the purchase of firearms and delays the bill's implementation until January 1, 2027. In addition, the amendments specify that an applicant's documents may be shared with law enforcement upon request for an urgent health or safety need, which does not include immigration enforcement. Finally, the amendments address chaptering out language with SB 523, which is currently on the Assembly floor. With these amendments, the bill is substantially similar to the bill that was heard in the Assembly.

According to the Author

"Identification cards enable inclusion and meaningful participation in our neighborhoods, cities, and our state. IDs allow one to open a bank account, obtain benefits, access healthcare, secure housing, and much more. However, if a person who is undocumented does not have meaningful access to a car or have the ability to take a driving test, they are rendered ineligible for a government-issued ID.

Those individuals may rely on gym memberships or college/university IDs *if* they have access to those institutions. Otherwise, they can use a passport or consular ID to corroborate their identities, however, this is an often risky "outing" process for those who are not legally present in the United States.

Individuals with mobility issues, disabilities such as epilepsy, and those who are older and develop degenerative eye, muscular, or cognitive diseases are not able to obtain driver's licenses and thus, do not have access to a state government-issued ID. Additionally, undocumented people leaving incarceration are also unable to obtain an original AB 60 driver's license because they cannot access a driving test in prison.

AB 1766 will expand ID access for all, regardless of immigration status. Under this bill, California ID eligibility will be expanded to approximately 1.6 million undocumented people."

Arguments in Support

According to supporters of this bill, "Identification cards enable inclusion and meaningful participation in our neighborhoods, cities, and our state. They allow one to open a bank account, obtain benefits, access healthcare, secure housing, and much more. AB 60 (Alejo, 2013) opened the door for undocumented people, who can provide proof of identity and California residency, to obtain a valid legal driver's license. However, undocumented people who do not have meaningful access to a car, or have the ability to take a driving test are ineligible to obtain a government-issued ID."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) DMV estimates significant one-time up-front costs, potentially in the millions, to promulgate regulations, modify forms and publications, conduct training, and make necessary IT system programming to implement the provisions of this bill. See staff comments for a discussion of the current challenges regarding DMV's IT (information technology) systems upgrades that drive abnormally high costs. (Motor Vehicle Account)

- 2) DMV estimates the following ongoing staffing costs (Motor Vehicle Account) to accommodate the anticipated volume of applications for modified ID cards in field offices:
- a) \$8.6 million and 134.0 personnel years (PY) of staff to process approximately 280,000 applications in 2023-24 (1/2 year costs for first six months of 2024)
 - b) \$2.2 million and 21.0 PY of staff to process approximately 91,000 applications in 2024-25.
 - c) \$1.2 million and 11.5 PY of staff to process approximately 52,500 applications in 2025-26.
 - d) \$845,000 and 8.0 PY of staff to process approximately 39,000 applications in 2026-27 and 38,000 applications in 2027-28.
 - e) Approximately \$500,000 and 5.0 PY ongoing to process an estimated 25,000 applications annually thereafter.

(Staff notes that DMV staffing costs are likely to be fully offset by ID card application fee revenues. Applicants would be charge the regular \$33 fee, a reduced-fee of \$9, or no fee, as specified below. The bill authorizes DMV to charge an additional fee, as necessary, until 2027 to fully offset its administrative costs)

VOTES:

ASM TRANSPORTATION: 11-3-1

YES: Friedman, Berman, Daly, Gipson, Kalra, Lee, Medina, Nazarian, O'Donnell, Ward, Wicks

NO: Fong, Voepel, Nguyen

ABS, ABST OR NV: Davies

ASM JUDICIARY: 8-0-2

YES: Stone, Cunningham, Holden, Kalra, Maienschein, Reyes, Robert Rivas, Luz Rivas

ABS, ABST OR NV: Davies, Mathis

ASM APPROPRIATIONS: 12-2-2

YES: Holden, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

NO: Bigelow, Fong

ABS, ABST OR NV: Megan Dahle, Davies

ASSEMBLY FLOOR: 59-13-6

YES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Cooley, Cooper, Cunningham, Daly, Mike Fong, Friedman, Gabriel, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Stone, Ting, Villapudua, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO: Bigelow, Chen, Megan Dahle, Fong, Gallagher, Kiley, Lackey, Nguyen, Patterson, Seyarto, Smith, Voepel, Waldron

ABS, ABST OR NV: Berman, Choi, Davies, Flora, O'Donnell, Valladares

UPDATED

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