

AMENDED IN SENATE JULY 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 772

Introduced by Assembly Member Ammiano

February 26, 2009

An act to add Chapter 17 (commencing with Section 26495) to Part 2 of Division 2 of Title 3 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 772, as amended, Ammiano. The Local Government Identification Act.

Existing law authorizes the Department of Motor Vehicles to issue an identification card to any person attesting to the true full name, correct age, and other identifying data as certified by the applicant for the identification card, and authorizes the department to refuse to issue an identification card under certain circumstances.

This bill would establish the Local Government Identification Act, which would authorize county governments to issue identification cards to persons who can provide proof of identity and proof of residency, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Chapter 17 (commencing with Section 26495)
- 2 is added to Part 2 of Division 2 of Title 3 of the Government Code,
- 3 to read:

CHAPTER 17. LOCAL GOVERNMENT IDENTIFICATION ACT

26495. This act is known, and may be cited, as the Local Government Identification Act.

26495.1. A county may, pursuant to this chapter, issue local government identification cards to its residents, on a voluntary basis.

26495.2. As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings:

(a) “Clerk” means the office of the county clerk.

(b) “County” means a county or a city and county.

(c) (1) “Local identification card” means an identification card issued by the county that shall display, including, but not limited to, the following information:

(A) The cardholder’s name.

(B) The cardholder’s photograph.

(C) The cardholder’s date of birth.

(D) An expiration date.

(2) The local government identification card shall not identify the cardholder’s gender.

(d) “Resident” means a person who can demonstrate that he or she has been present in the issuing county for at least 15 continuous days, and who can provide a proof of residency, as provided in subdivision (c) of Section 26495.3.

26495.3. (a) To obtain an identification card, a resident shall complete an application, provided by the county, which shall require proof of identity and proof of residence within the county. Upon receipt and verification of the proof of identity, pursuant to subdivision (b), and proof of residency, pursuant to subdivision (c), the clerk shall issue an identification card to the applicant.

(b) To establish identity, the applicant shall present either of the following:

(1) (A) One of the following documents, which shall contain both the applicant’s photograph and the applicant’s date of birth:

(i) A United States or foreign passport.

(ii) A driver’s license issued by any state in the United States.

(iii) A state identification card issued by any state in the United States.

(iv) A United States Permanent Residency Card, otherwise known as a green card.

1 (v) A consular identification card.

2 (vi) A photo identification card issued by another county to its
3 residents or nationals.

4 (B) Notwithstanding subparagraph (A), if the applicant is under
5 13 years of age, the applicant may alternatively present a certified
6 copy of a United States or foreign birth certificate.

7 (2) (A) Two of the following documents, at least one of which
8 shall display the applicant's photograph and date of birth:

9 (i) A national identification card with a photograph of the
10 applicant, the applicant's name, address, date of birth, and the date
11 the identification *card* expires.

12 (ii) A foreign driver's license.

13 (iii) A United States or foreign military identification card.

14 (iv) A current visa issued by a ~~government~~ *governmental* agency.

15 (v) A United States Individual Taxpayer Identification Number
16 authorization letter.

17 (vi) An identification card issued by an educational institution,
18 including an elementary, middle, secondary, or postsecondary
19 school, in this state.

20 (vii) A certified copy of a United States or foreign birth
21 certificate.

22 (viii) A social security card.

23 (B) Notwithstanding subparagraph (A), if the applicant is under
24 13 years of age, the applicant may alternatively present an official
25 medical record or official school record to establish identity under
26 this section. One of the two forms of identification presented shall
27 display the applicant's date of birth.

28 (c) (1) To establish residency, each applicant shall present one
29 of the following items, which shall include both the applicant's
30 name and a residential address located within the county:

31 (A) A utility bill dated within the last 30 days.

32 (B) A written verification issued by a homeless shelter that
33 receives county funding confirming at least 15 days' residency
34 within the last 30 days.

35 (iii)

36 (C) Written verification issued by a hospital, health clinic, or
37 social services agency that receives county funding confirming at
38 least 15 days' residency within the last 30 days.

39 (iv)

- 1 (D) A local property tax statement or mortgage payment receipt
2 dated within the last 30 days.
3 ~~(v)~~
4 (E) A bank account statement dated within the last 30 days.
5 ~~(vi)~~
6 (F) Proof of a minor currently enrolled in a public school within
7 the county.
8 ~~(vii)~~
9 (G) An employment pay stub dated within the last 30 days.
10 ~~(viii)~~
11 (H) A jury summons or court order issued by a state or federal
12 court dated within the last 30 days.
13 ~~(ix)~~
14 (I) An automobile, health, homeowner's, life, or renter's
15 insurance bill dated within the last 30 days.
16 ~~(x)~~
17 (J) A marriage certificate, along with documents bearing the
18 name of the applicant's spouse.
19 (2) The board of supervisors may, by ordinance, provide that
20 an applicant that is under 13 years of age and cannot provide any
21 of the evidence set forth in subparagraph (A) of paragraph (1), a
22 parent or legal guardian may verify the applicant's residency, if
23 that parent or guardian would be eligible for a ~~municipal~~ local
24 identification card.
25 (d) The board of supervisors may, by ordinance, authorize the
26 clerk to accept alternative forms of proof of identity, pursuant to
27 subdivision (b), or proof of residency, pursuant to subdivision (c),
28 if the alternate forms of proof of identity meet any of the following
29 conditions:
30 (1) The proof of identity is issued by a governmental entity.
31 (2) The proof of identity is issued by an entity that takes
32 reasonable steps to verify the identity or residence of the individual
33 to whom the item is issued.
34 (3) The proof of identity is of a type that is normally accepted
35 as proof of identity or proof of residency in the ordinary course of
36 business.
37 (e) An application submitted on behalf of a minor shall be
38 completed by the minor's parent or legal guardian.
39 (f) (1) The clerk shall keep confidential the name and other
40 identifying information of persons applying for, and receiving,

1 ~~municipal~~ *local* identification cards. The clerk shall not keep a
2 record of the applicant's residential address.

3 (2) The application shall include an option for the applicant to
4 select his or her privacy preferences.

5 26495.4. The board of supervisors may adopt rules and
6 regulations, consistent with this chapter, to implement, and, to
7 administer the implementation of, this chapter.

8 26495.5. The board of supervisors may impose a fee of not
9 more than fifteen dollars (\$15) per card for persons over 18 years
10 of age, and a fee of not more than five dollars (\$5) per card for
11 minors and seniors who present proof of age in a form to be
12 determined by the board. The fee shall not exceed administrative
13 costs reasonably associated with the production of the cards, and
14 the board shall provide for a reduced application fee or a waiver
15 of the application fee for low-income applicants who can provide
16 proof of income.

17 26495.6. (a) In a county that issues local government
18 identification cards, every agency, department, and office of the
19 county, and every city, and every agency, department, and office
20 of the city, shall accept a ~~municipal~~ *local* identification card for
21 proof of identification or proof of residency, except where
22 otherwise provided by law.

23 (b) *In a county that issues local government identification cards,*
24 *every city, redevelopment agency, school district, special district,*
25 *and any other local agency may accept a local identification card*
26 *for proof of identification or proof of residency, except where*
27 *otherwise provided by law.*

28 26495.7. This chapter shall not be construed to replace or
29 supplant any other existing requirements for issuance of other
30 forms of identification in connection with any city, county, state,
31 or federal benefits and services.