

Assembly Bill No. 772

Passed the Assembly September 8, 2009

Chief Clerk of the Assembly

Passed the Senate August 31, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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.

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

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

(v) A consular identification card.

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

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

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

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

(ii) A foreign driver's license.

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

(iv) A current visa issued by a governmental agency.

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

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

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

(viii) A social security card.

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

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

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

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

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

(D) A local property tax statement or mortgage payment receipt dated within the last 30 days.

(E) A bank account statement dated within the last 30 days.

(F) Proof of a minor currently enrolled in a public school within the county.

(G) An employment pay stub dated within the last 30 days.

(H) A jury summons or court order issued by a state or federal court dated within the last 30 days.

(I) An automobile, health, homeowner's, life, or renter's insurance bill dated within the last 30 days.

(J) A marriage certificate, along with documents bearing the name of the applicant's spouse.

(2) The board of supervisors may, by ordinance, provide that an applicant that is under 13 years of age and cannot provide any of the evidence set forth in subparagraph (A) of paragraph (1), a parent or legal guardian may verify the applicant's residency, if

that parent or guardian would be eligible for a local identification card.

(d) The board of supervisors may, by ordinance, authorize the clerk to accept alternative forms of proof of identity, pursuant to subdivision (b), or proof of residency, pursuant to subdivision (c), if the alternate forms of proof of identity meet any of the following conditions:

(1) The proof of identity is issued by a governmental entity.

(2) The proof of identity is issued by an entity that takes reasonable steps to verify the identity or residence of the individual to whom the item is issued.

(3) The proof of identity is of a type that is normally accepted as proof of identity or proof of residency in the ordinary course of business.

(e) An application submitted on behalf of a minor shall be completed by the minor's parent or legal guardian.

(f) (1) The clerk shall keep confidential the name and other identifying information of persons applying for, and receiving, local identification cards. The clerk shall not keep a record of the applicant's residential address.

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

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

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

26495.6. (a) In a county that issues local government identification cards, every agency, department, and office of the county, and every city, and every agency, department, and office of the city, shall accept a local identification card for proof of identification or proof of residency, except where otherwise provided by law.

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

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

Approved _____, 2009

Governor