

Assembly Bill No. 672

Passed the Assembly September 11, 2015

Chief Clerk of the Assembly

Passed the Senate September 10, 2015

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2015, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3007.05 of the Penal Code, and to add Section 14903 to the Vehicle Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 672, Jones-Sawyer. Inmates: wrongful convictions: assistance upon release.

Existing law requires the Department of Corrections and Rehabilitation and the Department of Motor Vehicles to ensure that all eligible inmates released from the state prison have valid identification cards. Existing law establishes certain criteria to be met in order for an inmate to be considered “eligible” for these purposes.

This bill would require the Department of Corrections and Rehabilitation to assist a person who is exonerated as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with transitional services, including housing assistance, job training, and mental health services, as applicable. The extent of the services would be determined by the department and would be provided for a period of not less than 6 months and not more than one year from the date of release.

Existing law requires the Department of Motor Vehicles to collect specified fees for the issuance, renewal, or replacement of a driver's license or identification card.

This bill would exempt from payment of those fees a person who was exonerated, and was released from state prison within the previous 6 months. The bill would also require the Department of Corrections and Rehabilitation to provide a form to any person who was exonerated, and would require that form to be presented to the Department of Motor Vehicles in order to qualify for the exemption.

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

SECTION 1. This act shall be known, and may be cited, as Obie's Law.

SEC. 2. Section 3007.05 of the Penal Code is amended to read:

3007.05. (a) The Department of Corrections and Rehabilitation and the Department of Motor Vehicles shall ensure that all eligible inmates released from state prisons have valid identification cards, issued pursuant to Article 5 (commencing with Section 13000) of Chapter 1 of Division 6 of the Vehicle Code.

(b) For purposes of this section, “eligible inmate” means an inmate who meets all of the following requirements:

(1) The inmate has previously held a California driver’s license or identification card.

(2) The inmate has a usable photo on file with the Department of Motor Vehicles that is not more than 10 years old.

(3) The inmate has no outstanding fees due for a prior California identification card.

(4) The inmate has provided, and the Department of Motor Vehicles has verified, all of the following information:

(A) The inmate’s true full name.

(B) The inmate’s date of birth.

(C) The inmate’s social security number.

(D) The inmate’s legal presence in the United States.

(c) The Department of Corrections and Rehabilitation shall assist a person who is exonerated as to a conviction for which he or she is serving a state prison sentence at the time of exoneration with transitional services, including housing assistance, job training, and mental health services, as applicable. The extent of the services shall be determined by the department and shall be provided for a period of not less than six months and not more than one year from the date of release.

(d) For the purposes of this section, “exonerated” means the person has been convicted and subsequently either of the following occurred:

(1) A writ of habeas corpus concerning the person was granted on the basis that the evidence unerringly points to innocence, or the person’s conviction was reversed on appeal on the basis of insufficient evidence.

(2) The person was given an absolute pardon by the governor on the basis that the person was innocent.

SEC. 3. Section 14903 is added to the Vehicle Code, to read:

14903. (a) A fee shall not be charged for an in person original, renewal, or replacement driver’s license or identification card

issued to any person who was exonerated, and was released from the state prison within the previous six months.

(b) The Department of Corrections and Rehabilitation shall provide a form to any person who was exonerated and released from the state prison within the previous six months. The form, along with a copy of a court order, if provided by the court, shall be taken by the individual to the Department of Motor Vehicles to qualify for the fee exemption in subdivision (a).

(c) For the purposes of this section, “exonerated” shall have the same meaning as in Section 3007.05 of the Penal Code.

Approved _____, 2015

Governor