

HOUSE BILL 127

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

D. Wonda Johnson and Melanie Ann Stansbury

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO IDENTIFICATION CARDS; Hf11→~~ENABLING UNACCOMPANIED HOMELESS YOUTH TO RECEIVE IDENTIFICATION CARDS;~~←Hf11 REMOVING FEE REQUIREMENTS FOR ISSUANCE OF IDENTIFICATION CARDS TO Hf11→~~CERTAIN~~←Hf11 Hf11→~~HOMELESS~~←Hf11 INDIVIDUALS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Hf11→~~SECTION 1. Section 66-5-401 NMSA 1978 (being Laws 1978, Chapter 35, Section 328, as amended) is amended to read:~~

.218236.2AIC February 22, 2021 (12:10pm)

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~~"66-5-401. IDENTIFICATION CARDS--APPLICATION--HOMELESS~~

~~LIAISON.--~~

~~A. A person who does not have a valid New Mexico driver's license may be issued an identification card by the department. An application for an identification card or renewal of an identification card shall be made upon a form furnished by the department.~~

~~B. The department shall establish two distinct identification cards as provided in Section 66-5-405 NMSA 1978:~~

~~(1) a REAL ID-compliant identification card;~~

~~and~~

~~(2) a standard identification card.~~

~~C. An application for a REAL ID-compliant identification card shall contain the applicant's full legal name; date of birth; sex; and current New Mexico residence address and shall briefly describe the applicant.~~

~~D. An application for a standard identification card shall bear the applicant's full name; date of birth; sex; and current New Mexico residence address and shall briefly describe the applicant.~~

~~E. The secretary shall establish by rule documents that may be accepted as evidence of the residency of the applicant.~~

~~F. A person applying for or renewing a REAL ID-~~

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~~compliant identification card shall provide documentation required by the federal government of the applicant's identity; date of birth; social security number, if applicable; address of current residence; and lawful status. The department shall verify the applicant's lawful status and social security number, if applicable, through a method approved by the federal government. Pursuant to the federal REAL ID Act of 2005, the secretary shall establish a written, defined exception process to allow a person to demonstrate the person's identity, age and lawful status. The process shall allow a person to use a certified letter of enrollment or a valid identification card issued by a federally recognized Indian nation, tribe or pueblo to demonstrate the person's identity or age or to demonstrate the person's lawful status, if applicable. A person with lawful status may apply for a REAL ID-compliant identification card or a standard identification card. Every application for an identification card shall be signed by the applicant or the applicant's parent or guardian. The secretary may, for good cause, revoke or deny the issuance of an identification card.~~

~~G. An application by a foreign national with lawful status for a REAL ID-compliant identification card shall contain the unique identifying number and expiration date, if applicable, of the foreign national's valid passport, valid visa, employment authorization card issued under the~~

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~~applicant's approved deferred action status or other arrival-departure record or document issued by the federal government that conveys lawful status. The department may issue to an eligible foreign national applicant a REAL ID-compliant identification card that is valid for a period not to exceed the duration of the applicant's lawful status; provided that if that date cannot be determined by the department and the applicant is not a legal permanent resident, the identification card shall expire one year after the effective date of the identification card.~~

~~H. The department shall issue a standard identification card to an applicant who is otherwise eligible but who does not provide proof of lawful status and who affirmatively acknowledges that the applicant understands that a standard identification card may not be valid for federal purposes. An applicant who does not provide proof of lawful status shall only apply for a standard identification card. An application for a standard identification card shall include proof of the applicant's identity and age.~~

~~I. The secretary may adopt rules providing for the proration of fees due to shortened validity periods authorized pursuant to the provisions of this section.~~

~~J. Within the forms prescribed by the department for identification card applications, a space shall be provided~~

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~~to show whether the applicant is a donor as provided in the Jonathan Spradling Revised Uniform Anatomical Gift Act. A person applying for an identification card may indicate that person's status on the space provided on the application. The donor status indicated by the applicant shall be displayed on the identification card. The form and identification card shall be signed by the donor in the presence of a witness who shall also sign the form in the donor's presence.~~

~~K. Unaccompanied homeless youth shall be permitted to apply for and receive a REAL ID-compliant identification card or a standard identification card without the signature of an adult.~~

~~L. Every division office where identification cards are issued shall designate a supervisory-level staff member to serve as the homeless liaison, who shall be responsible for maintaining awareness of current state rules and policies regarding access to identification cards for homeless individuals and unaccompanied homeless youth and for ensuring that all other office staff who process applications and attend the public are trained on access to identification cards for homeless individuals and unaccompanied homeless youth.~~

~~M. As used in this section:~~

~~(1) "homeless individual" means an individual:~~

~~(a) who lacks a fixed, regular and~~

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~~adequate nighttime residence, including individuals who are:~~
~~1) sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; 2) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; 3) living in emergency or transitional shelters; 4) sleeping in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings; or 5) living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and~~

~~(b) whose homelessness can be verified through an attestation, that shall not be required to be notarized, of one of the following: 1) a public or private governmental or nonprofit agency that provides services to homeless individuals; 2) a local educational agency homeless liaison, school counselor or school nurse; 3) a social worker licensed to practice in New Mexico; or 4) the homeless individual; and~~

~~(2) "unaccompanied homeless youth" means an individual who:~~

~~(a) is not in the physical custody of a parent or legal guardian;~~

~~(b) is aged twenty-five years or younger; and~~

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~~(c) lacks a fixed, regular and adequate nighttime residence, including individuals who are: 1) sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; 2) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations; 3) living in emergency or transitional shelters; 4) sleeping in public or private places not designed for or ordinarily used as regular sleeping accommodations for human beings; or 5) living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings."~~←Hf11

SECTION Hf11→1.←Hf11 Section 66-5-408 NMSA 1978 (being Laws 1978, Chapter 35, Section 335, as amended) is amended to read:

"66-5-408. FEES.--

A. Upon application for an identification card with a four-year term, there shall be paid to the department a fee of five dollars (\$5.00). Upon application for an identification card with an eight-year term, there shall be paid to the department a fee of ten dollars (\$10.00). A fee shall not be charged to an applicant for an identification card if the applicant is at least seventy-five years of age or a homeless individual.

B. The department with the approval of the governor may increase the amount of the identification card fee by an

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amount not to exceed three dollars (\$3.00) for the purpose of implementing an enhanced licensing system; provided that for an identification card issued for an eight-year period, the amount of the fee shall be twice the amount charged for other identification cards. The additional amounts collected pursuant to this subsection are appropriated to the department to defray the expense of the new system of licensing and for use as set forth in the provisions of Subsection F of Section 66-6-13 NMSA 1978. Unexpended and unencumbered balances from fees collected pursuant to the provisions of this subsection at the end of any fiscal year shall not revert to the general fund but shall be expended by the department in fiscal year 2010 and subsequent fiscal years.

C. As used in this section, "homeless individual" means an individual:

(1) who lacks a fixed, regular and adequate nighttime residence, including individuals who are:

(a) sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;

(b) living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations;

(c) living in emergency or transitional shelters;

(d) sleeping in public or private places

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not designed for or ordinarily used as regular sleeping accommodations for human beings; or

(e) living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations or similar settings; and

(2) whose homelessness can be verified through an attestation, that shall not be required to be notarized, of one of the following:

(a) a public or private governmental or nonprofit agency that provides services to homeless individuals;

(b) a local educational agency homeless liaison, school counselor or school nurse;

(c) a social worker licensed to practice in New Mexico; or

(d) the homeless individual."