

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 231

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

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 CHILDREN; REQUIRING THE CHILDREN, YOUTH AND FAMILIES DEPARTMENT TO OBTAIN IDENTIFICATION CARDS FOR CHILDREN SHPAC→~~TWELVE~~←SHPAC SHPAC→~~FOURTEEN~~←SHPAC YEARS OF AGE AND OLDER IN THE DEPARTMENT'S CUSTODY FOR THIRTY OR MORE CONSECUTIVE DAYS.

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

SECTION 1. A new section of the Children's Code is

.225312.2AIC March 17, 2023 (11:51am)

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enacted to read:

"[NEW MATERIAL] CHILDREN IN FOSTER CARE--IDENTIFICATION CARD.--

A. Except as provided in Subsection B of this section, the department shall SHPAC→, ~~unless the child objects,~~ ←SHPAC SHPAC→ provide the child an opportunity to ←SHPAC obtain a standard identification card issued for a child pursuant to Section 66-5-401 NMSA 1978 no later than ninety days after the child was placed in the custody of the department.

B. If the department is unable to comply with the provisions of Subsection A of this section due to the child's incarceration, elopement, physical or mental disability or specialized placement where the child cannot be transported, or upon approval of the court, the department shall obtain the identification card no later than ninety days from the date the condition preventing compliance ceases to exist.

C. As used in this section, "child" means:

(1) an individual at least SHPAC→ ~~twelve~~ ←SHPAC SHPAC→ ~~fourteen~~ ←SHPAC years of age but under nineteen years of age; or

(2) an individual at least SHPAC→ ~~twelve~~ ←SHPAC SHPAC→ ~~fourteen~~ ←SHPAC years of age but under twenty-one years of age who is participating in the fostering connections program pursuant to Section 32A-26-3 NMSA 1978; and

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(3) an individual who has been placed in the custody of the protective services division of the department for thirty or more consecutive days."

SECTION 2. Section 66-5-401 NMSA 1978 (being Laws 1978, Chapter 35, Section 328, as amended) is amended to read:

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

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

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that may be accepted as evidence of the residency of the applicant.

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

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applicable, of the foreign national's valid passport, valid visa, employment authorization card issued under the 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

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for identification card applications, a space shall be provided 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. The children, youth and families department may apply for and receive a standard identification card on behalf of a child SHPAC→~~twelve~~←SHPAC SHPAC→fourteen←SHPAC years of age and older who has been placed in the custody of the protective services division of that department for thirty or more consecutive days."

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2024.

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