

**Department of Legislative Services**  
Maryland General Assembly  
2026 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

House Bill 22

(Delegate Schindler, *et al.*)

Government, Labor, and Elections

Judicial Proceedings

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**Correctional Services - Incarcerated Individuals - Identification Cards, Driver's Licenses, and Birth Certificates**

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This bill alters existing requirements – and establishes new requirements – related to identification documents (*i.e.*, birth certificates, Social Security cards, and driver’s licenses or valid photo identification (ID) cards issued by the Motor Vehicle Administration (MVA)) of incarcerated individuals sentenced to the Division of Correction (DOC). The bill’s provisions may not be construed in a manner that in any way delays the release from confinement of an incarcerated individual. The provisions of the bill – and existing related requirements – apply only to an incarcerated individual serving a sentence of 18 months or more at a State correctional facility.

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**Fiscal Summary**

**State Effect:** The bill’s changes are not anticipated to materially affect State operations or finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:**

*Requirements at Intake*

On taking custody of an incarcerated individual sentenced to DOC, the Commissioner of Correction must determine and make a record of whether the incarcerated individual is in

possession of a birth certificate, a Social Security card, and a driver's license or a valid MVA-issued photo ID card. The managing official of a State correctional facility is responsible for the safekeeping and care of each identification document in the possession of an incarcerated individual at the time of intake from the time the incarcerated individual is lawfully detained in or committed to the facility until discharged, released, or withdrawn under a court order or other lawful authority.

### *Requirements Before Release*

*Confirmation of Required Documents:* At least six months before release, the Commissioner of Correction must confirm whether the required documents were obtained. As soon as reasonably practicable after that confirmation, the Commissioner of Correction and the managing official of a correctional facility must provide the appropriate forms to and work with the incarcerated individual to ensure that an MVA-issued photo ID card or a driver's license is available to the incarcerated individual at the time of release from confinement. (This requirement may be satisfied by the return of a valid unexpired ID card or driver's license to an incarcerated individual before release from confinement.) However, the requirement does not apply if the Commissioner of Correction has determined that the incarcerated individual is in possession of an unexpired MVA-issued photo ID card or driver's license.

At least three months before release, the Commissioner of Correction must confirm that the individual will be in possession of all required identification documents on release.

*Return and Renewal of Documents:* In general, if an incarcerated individual entered a State correctional facility with an identification document, the facility must return each document at or before the individual's release. However, the Commissioner of Correction and the managing official may not return an expired driver's license or MVA-issued photo ID to an incarcerated individual and must work with the incarcerated individual, before release, to renew:

- the driver's license if (1) the driver's license possessed at intake expired less than one year before the individual's anticipated release date; (2) the license has not been refused, revoked, suspended, or canceled under any provision of the Maryland Vehicle Law; and (3) the license is not subject to a restriction imposed by MVA; or
- the photo ID if (1) the driver's license possessed at intake expired one year or more before the individual's anticipated release date or (2) the MVA-issued photo ID possessed at intake expires before the individual's anticipated release date.

*Alterations and Exceptions to Existing Requirements Relating to Identification Cards, Birth Certificates, and Social Security Cards:* The Commissioner of Correction is not required to meet the existing requirement to issue an ID card to an incarcerated individual

before release from confinement in a State correctional facility if the commissioner has determined that the incarcerated individual is in possession of the individual's ID that meets the requirements of an MVA-issued ID card.

The bill alters the existing requirement for the Commissioner of Correction to begin the process of obtaining an incarcerated individual's birth certificate by requiring that the commissioner begin the process at least nine months before the anticipated release of an incarcerated individual. In addition, the requirement (as altered by the bill) does not apply if the commissioner has determined that the incarcerated individual is in possession of the individual's birth certificate.

The existing requirement for the Commissioner of Correction to apply to the Social Security Administration to obtain an incarcerated individual's Social Security card does not apply if the commissioner has determined that the incarcerated individual is in possession of the incarcerated individual's Social Security card.

*Early Release from Confinement:* If an incarcerated individual is released before the anticipated date of release, the Commissioner of Correction must provide all identification documents belonging to the incarcerated individual to (1) the incarcerated individual as soon as reasonably practicable or (2) the issuing agency.

**Current Law:** The Commissioner of Correction must issue an ID card to an incarcerated individual before release from confinement in a State correctional facility. The ID card must meet the requirements for secondary identification for the purpose of an ID card issued by MVA under § 12-301 of the Transportation Article. In addition, pursuant to Chapter 514 of 2020, the Commissioner of Correction must obtain an incarcerated individual's birth certificate and Social Security card after taking custody of an incarcerated individual (unless the incarcerated individual does not consent).

The Commissioner of Correction must adopt regulations (1) establishing a release plan for incarcerated individuals upon release from confinement in a State correctional facility to help identify resources to assist incarcerated individuals following release, including the provision of transportation from the facility for an incarcerated individual upon release and (2) implementing provisions concerning the issuance of an ID card to incarcerated individuals on release from confinement in a State correctional facility.

**Additional Comments:** The Department of Public Safety and Correctional Services (DPSCS) advises that, through an interagency agreement with MVA, it has established a procedure for assisting incarcerated individuals with the process of obtaining MVA-issued ID cards prior to their release from State correctional facilities. DPSCS notes that before an MVA-issued ID card can be requested, an incarcerated individual must have both their birth certificate and Social Security card. DPSCS further reports that it has a memorandum

of understanding with the Maryland Department of Health’s Division of Vital Records and the Social Security Administration to facilitate this process.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Anne Arundel, Baltimore, Cecil, Frederick, Montgomery, and Somerset counties; Maryland Association of Counties; Department of Public Safety and Correctional Services; Maryland Department of Transportation; Department of Legislative Services

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