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OFFICE OF THE CITY CLERK
OAKLAND
CITY OF OAKLAND
BILL ANALYSIS



09 MAY -7 PM 4:44
Date: May 7, 2009

Bill Number: AB 772

Bill Author: Ammiano

DEPARTMENT INFORMATION

Contact: Claudia Burgos, District 5, 238-7051
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RECOMMENDED POSITION: SUPPORT

Summary of the Bill:

This bill would authorize county governments to issue identification cards to persons who can provide proof of identity and proof of residency within the county without regard to a person's gender or immigration status.

This bill would establish the Local Government Identification Act and authorize counties to establish municipal ID programs, modeled on the San Francisco Municipal ID Program.

These ID cards would contain verified information including the cardholder's name, photograph, and date of birth, and have an expiration date. The ID card would not identify the cardholder's gender.

To obtain a municipal identification card, persons would be required to complete an application provided by the county which must require documented proof of identity and documented proof of residency within the county.

The bill would require that counties keep confidential the name and other identifying information of persons applying for, and receiving, municipal identification cards. It would also provide applicants the opportunity to select privacy preferences.

This bill would authorize counties to assess a fee of no more than \$15 per card for persons over the age of 18 and a fee of no more than \$5 for minors and senior citizens. The fee must not exceed administrative costs reasonably associated with the production of the cards, and the board of supervisors must provide for a reduced application fee or a waiver of the application fee for low-income applicants who can provide proof of income.

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May 14, 2009

The bill would further provide that 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 municipal identification card for proof of identification or proof of residency, except where otherwise provided by law.

Positive Factors for Oakland

Many Californians are ineligible to receive an identification card or driver's license from the Department of Motor Vehicles (DMV) because of their status as an undocumented immigrant. Some transgender individuals, who publicly identify as a gender different than that on their driver's license or DMV ID card, are turned away or made uncomfortable when they try to use their ID.

Those individuals without legal, recognized, government-issued ID cards are unable to open bank accounts, prove age, prove residency, or otherwise demonstrate proof of identity when necessary. Without a government issued ID, individuals often fear calling the police to report crimes or cooperating with police on follow up investigations. Issuance of a government ID has already resulted in increased crime reporting in the two cities that have implemented a municipal ID program (New Haven, Ct and San Francisco.)

Studies have shown that possession of a government issued ID provides individuals with a level of security and willingness to report crimes, labor and housing violations—such as blighted properties, slum landlords, and workplace health, safety, and wage violations—to the appropriate authorities.

Negative Factors for Oakland

NONE KNOWN

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

Critical (top priority for City lobbyist, city position required ASAP)

Very Important (priority for City lobbyist, city position necessary)

Somewhat Important (City position desirable if time and resources are available)

___ Minimal or ___ None (do not review with City Council, position not required)

Known support:
None on File

Known Opposition:
None on File

Respectfully Submitted,

Vice Mayor De La Fuente

Prepared By Claudia Burgos

Item: _____
Rules & Legislation Comte.
May 14, 2009

ASSEMBLY BILL

No. 772

Introduced by Assembly Member Ammiano

February 26, 2009

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, as introduced, 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.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

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

1 CHAPTER 17. LOCAL GOVERNMENT IDENTIFICATION ACT

2
3 26495. This act is known, and may be cited, as the Local
4 Government Identification Act.

5 26495.1. A county may, pursuant to this chapter, issue local
6 government identification cards to its residents, on a voluntary
7 basis.

8 26495.2. As used in this chapter, unless the context indicates
9 otherwise, the following terms have the following meanings:

10 (a) "Clerk" means the office of the county clerk.

11 (b) "County" means a county or a city and county.

12 (c) (1) "Local identification card" means an identification card
13 issued by the county that shall display, including, but not limited
14 to, the following information:

15 (A) The cardholder's name.

16 (B) The cardholder's photograph.

17 (C) The cardholder's date of birth.

18 (D) An expiration date.

19 (2) The local government identification card shall not identify
20 the cardholder's gender.

21 (d) "Resident" means a person who can demonstrate that he or
22 she has been present in the issuing county for at least 15 continuous
23 days, and who can provide a proof of residency, as provided in
24 subdivision (c) of Section 26495.3.

25 26495.3. (a) To obtain an identification card, a resident shall
26 complete an application, provided by the county, which shall
27 require proof of identity and proof of residence within the county.
28 Upon receipt and verification of the proof of identity, pursuant to
29 subdivision (b), and proof of residency, pursuant to subdivision
30 (c), the clerk shall issue an identification card to the applicant.

31 (b) To establish identity, the applicant shall present either of
32 the following:

33 (1) (A) One of the following documents, which shall contain
34 both the applicant's photograph and the applicant's date of birth:

35 (i) A United States or foreign passport.

36 (ii) A driver's license issued by any state in the United States.

37 (iii) A state identification card issued by any state in the United
38 States.

39 (iv) A United States Permanent Residency Card, otherwise
40 known as a green card.

1 (v) A consular identification card.

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

4 (B) Notwithstanding subparagraph (A), if the applicant is under
5 13 years of age, the applicant may alternatively present a certified
6 copy of a United States or foreign birth certificate.

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

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

12 (ii) A foreign driver's license.

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

14 (iv) A current visa issued by a government agency.

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

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

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

22 (viii) A social security card.

23 (B) Notwithstanding subparagraph (A), if the applicant is under
24 13 years of age, the applicant may alternatively present an official
25 medical record or official school record to establish identity under
26 this section. One of the two forms of identification presented shall
27 display the applicant's date of birth.

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

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

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

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

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

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

- 1 (vi) Proof of a minor currently enrolled in a public school within
2 the county.
- 3 (vii) An employment pay stub dated within the last 30 days.
- 4 (viii) A jury summons or court order issued by a state or federal
5 court dated within the last 30 days.
- 6 (ix) An automobile, health, homeowner's, life, or renter's
7 insurance bill dated within the last 30 days.
- 8 (x) A marriage certificate, along with documents bearing the
9 name of the applicant's spouse.
- 10 (2) The board of supervisors may, by ordinance, provide that
11 an applicant that is under 13 years of age and cannot provide any
12 of the evidence set forth in subparagraph (A) of paragraph (1), a
13 parent or legal guardian may verify the applicant's residency, if
14 that parent or guardian would be eligible for a municipal
15 identification card.
- 16 (d) The board of supervisors may, by ordinance, authorize the
17 clerk to accept alternative forms of proof of identity, pursuant to
18 subdivision (b), or proof of residency, pursuant to subdivision (c),
19 if the alternate forms of proof of identity meet any of the following
20 conditions:
- 21 (1) The proof of identity is issued by a governmental entity.
- 22 (2) The proof of identity is issued by an entity that takes
23 reasonable steps to verify the identity or residence of the individual
24 to whom the item is issued.
- 25 (3) The proof of identity is of a type that is normally accepted
26 as proof of identity or proof of residency in the ordinary course of
27 business.
- 28 (e) An application submitted on behalf of a minor shall be
29 completed by the minor's parent or legal guardian.
- 30 (f) (1) The clerk shall keep confidential the name and other
31 identifying information of persons applying for, and receiving,
32 municipal identification cards. The clerk shall not keep a record
33 of the applicant's residential address.
- 34 (2) The application shall include an option for the applicant to
35 select his or her privacy preferences.
- 36 26495.4. The board of supervisors may adopt rules and
37 regulations, consistent with this chapter, to implement, and, to
38 administer the implementation of, this chapter.
- 39 26495.5. The board of supervisors may impose a fee of not
40 more than fifteen dollars (\$15) per card for persons over 18 years

1 of age, and a fee of not more than five dollars (\$5) per card for
2 minors and seniors who present proof of age in a form to be
3 determined by the board. The fee shall not exceed administrative
4 costs reasonably associated with the production of the cards, and
5 the board shall provide for a reduced application fee or a waiver
6 of the application fee for low-income applicants who can provide
7 proof of income.

8 26495.6. In a county that issues local government identification
9 cards, every agency, department, and office of the county, and
10 every city, and every agency, department, and office of the city,
11 shall accept a municipal identification card for proof of
12 identification or proof of residency, except where otherwise
13 provided by law.

14 26495.7. This chapter shall not be construed to replace or
15 supplant any other existing requirements for issuance of other
16 forms of identification in connection with any city, county, state,
17 or federal benefits and services.

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Assemblymember Tom Ammiano, 13th Assembly District

AB 772 – THE LOCAL GOVERNMENT IDENTIFICATION ACT

Problem

Existing state and federal law establishes provisions for state issued identification cards that require documentation of a person's gender and legal immigration status.

Many Californians are ineligible to receive an identification card or driver's license from the Department of Motor Vehicles (DMV) because of their status as an undocumented immigrant. Some transgender individuals, who publicly identify as a gender different than that on their driver's license or DMV ID card, are turned away or made uncomfortable when they try to use their ID.

Those individuals without legal, recognized, government-issued ID cards are unable to open bank accounts, prove age, prove residency, or otherwise demonstrate proof of identity when necessary.

Although some local governments have expressed that undocumented immigrants and transgender people should have proof of identification that accurately represent them, state law is silent.

Summary

This bill would authorize county governments to issue identification cards to persons who can provide proof of identity and proof of residency within the county without regard to a person's gender or immigration status.

Previous Legislation

Because existing law requires proof of legal residency or citizenship to receive a DMV-issued ID card or driver's license, several bills have been introduced in past legislative sessions to

allow undocumented immigrants to qualify for driver's licenses. The most notable of these attempts have been introduced by Senator Cedillo. The senator has introduced variations of this concept 9 times.

Various iterations of this bill, which has been reintroduced this year as SB 60, have passed in both houses of the legislature but were vetoed by the Governor.

In his veto message on SB 60 (Cedillo, 2008), Governor Schwarzenegger explained, "I have previously stated that the ability to verify documents used to establish an identity must include a way to determine whether an individual is who he or she purports to be."

Existing Law

Current law provides that DMV shall "require every applicant for an original driver's license or identification card to submit satisfactory proof that applicant's presence in the United States is under federal law." In addition, existing law provides that "the department shall require every application for a driver's license to contain the applicant's social security number and any other number or identifier determined to be appropriate by DMV."

Additionally, the federal REAL ID Act requires license applications require documentation verifying the gender and legal immigration status of any applicant.

This Bill

This bill would establish the Local Government Identification Act and authorize counties to establish municipal ID programs, modeled on the San Francisco Municipal ID Program.

These ID cards would contain verified information including the cardholder's name, photograph, and date of birth, and have an expiration date. The ID card would not identify the cardholder's gender.

To obtain a municipal identification card, persons would be required to complete an application provided by the county which must require documented proof of identity and documented proof of residency within the county.

The bill would require that counties keep confidential the name and other identifying information of persons applying for, and receiving, municipal identification cards. It would also provide applicants the opportunity to select privacy preferences.

This bill would authorize counties to assess a fee of no more than \$15 per card for persons over the age of 18 and a fee of no more than \$5 for minors and senior citizens. The fee must not exceed administrative costs reasonably associated with the production of the cards, and the board of supervisors must provide for a reduced application fee or a waiver of the application fee for low-income applicants who can provide proof of income.

The bill would further provide that 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 municipal identification card for proof of identification or proof of residency, except where otherwise provided by law.

Support

Support

None on file

Opposition

None on file

Status

- Introduced 2/26/2009

Contact

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Assemblymember Tom Ammiano, 13th Assembly District

AB ___ – LOCAL GOVERNMENT IDENTIFICATION ACT

- This bill would establish the Local Government Identification Act and authorize counties to establish municipal ID programs.
- This bill is modeled on the San Francisco Municipal ID Program.
- These municipal ID cards would contain verified information including:
 - The cardholder's name
 - The cardholder's photograph
 - The cardholder's date of birth
 - An expiration date
- *The local government identification card shall not identify the cardholder's gender.*
- To obtain a municipal identification card, persons must complete an application provided by the county which shall require proof of identity and proof of residency within the county.
- To establish identity, the applicant must present one item from list A or two items from list B, at least one containing both a picture and the name of the applicant:

List A	List B
United States or foreign passport	A national ID card with a photo of the applicant, and the applicant's name, address, date of birth, and an expiration date
A driver's license issued by any state in the US	A foreign driver's license
A state ID card issued by any state in the US	A US or foreign military ID card
A consular ID card	A current visa issued by a government agency
A photo ID card issued by another county	A US Individual Taxpayer ID Number authorization letter
	An ID card issued by an educational institution including an elementary, middle, secondary, or postsecondary school in California
	A certified copy of a United States or foreign birth certificate
	A social security card

- To establish identity the applicant, if under the age of 13, may alternatively present the items listed below to satisfy the above requirements, at least one displaying the applicant's date of birth:

List A	List B
Certified copy of a United States or foreign birth certificate	Official medical record
	Official school record

- To establish residency, each applicant must present one of the following items, which must include both the applicant's name and a residential address located within the county:
 - A utility bill dated within the last 30 days
 - A written verification issued by a homeless shelter that receives county funding confirming at least 15 days' residency within the last 30 days
 - 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.
 - A local property tax statement or mortgage payment receipt dated within the last 30 days
 - A bank account statement dated within the last 30 days
 - Proof of a minor currently enrolled in a public school within the county
 - An employment pay stub dated within the last 30 days
 - A jury summons or court order issued by a state or federal court dated within the last 30 days
 - An automobile, health, homeowner's, life, or renter's insurance bill dated within the last 30 days
 - A marriage certificate, along with documents bearing the name of the applicant's spouse

- If the applicant is under the age of 13, the applicant's parent or legal guardian may verify the applicant's residency if that parent or guardian would be eligible for a municipal identification card.

- The board of supervisors may accept alternative proof of identity or proof of residency if they meet any of the following criteria:
 - The proof of identity is issued by a governmental entity
 - 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 has been issued
 - 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

- An application submitted on behalf of a minor must be completed by the minor's parent or legal guardian

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

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

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

- A fee of no more than \$15 per card for persons over the age of 18 and a fee of no more than \$5 for minors and senior citizens. 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.

- 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 municipal identification card for proof of identification or proof of residency, except where otherwise provided by law.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

DRAFT

2009 MAY -7 PM 5:45 RESOLUTION No. _____ C.M.S.

INTRODUCED BY VICE-MAYOR IGNACIO DE LA FUENTE

RESOLUTION IN SUPPORT OF ASSEMBLY BILL 772 (AMMIANO) "LOCAL GOVERNMENT IDENTIFICATION ACT," WHICH WOULD AUTHORIZE COUNTIES TO ESTABLISH MUNICIPAL ID PROGRAMS

WHEREAS, many people in Oakland and around the state—including but not limited to immigrants, children and students, the homeless and indigent, the disabled and elderly, runaway youth and adult survivors of domestic violence, and others—currently suffer from the lack of official identification, which restricts their access to law enforcement, financial institutions, jobs, housing, and home and workplace protections; and

WHEREAS, many marginalized communities lack a valid form of identification and without identification are afraid to report crimes to the police; and

WHEREAS, those who lack a valid form of identification are also often afraid to report labor and housing violations—such as blighted properties, slum landlords, and workplace health, safety, and wage violations—to the appropriate authorities; and

WHEREAS, without appropriate identification, it is difficult to open bank accounts, and immigrants carrying large amounts of cash are therefore specifically targeted for robbery and other violent crimes; and

WHEREAS, lack of a valid form of identification translates into limited access to financial institutions and fear of police and other city officials, thus resulting in decreased participation in the formal city economy and other civic matters; and

WHEREAS, AB 772 will make it easier for all Californian's to participate in local and regional commerce—by opening a bank account, establishing credit, and accessing loans and the housing market; and

WHEREAS, AB 772 will fill a void by providing an official form of personal identification for the many residents who currently lack one; and

WHEREAS, AB 772 will facilitate participation in civic activities; and

WHEREAS, the Oakland City Council will be considering the implementation its own municipal ID ordinance on May 26th; and

WHEREAS, Oakland supports efforts such as those of AB 772 which help create a reliable form of identification for all residents; now, therefore be it

RESOLVED: The City of Oakland declares its support for AB 772 (Ammiano); and be it

FURTHER RESOLVED: That the City Council hereby directs the City Administrator and the City's legislative lobbyist to advocate for the above position in the California State Legislature.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 200__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California