

To: Commission
From: Laura C. Tharney
Re: Department of Correction Identification Card and License to Drive
Date: February 11, 2013

M E M O R A N D U M

At the last Commission meeting, Chairman Gagliardi said that during a conversation with an individual who works with recent parolees, he was made aware of the fact that the Department of Corrections identification card, although issued by the State, is not accepted by the State as an official identification for certain other purposes. It does not, for example, qualify as one of the six points of identification for obtaining a New Jersey driver's license.

It was determined that Staff would conduct some preliminary research to determine if this issue is based in statute or regulation and whether changes to the law could address this issue.

Preliminary research revealed that information regarding the six points of identification needed for a license or non-driver identification card is included in the regulations, rather than in the statutes. *N.J.A.C. 13:21-8.2(a)* states that:

Each applicant for a license, permit or non-driver identification card shall be required to furnish to the Commission, upon request, proof of identity and date of birth and proof that the applicant's presence in the United States is authorized under Federal law. Such proof may be established by submission of the original or certified (by the issuing authority) copy of the primary and/or secondary documents which are listed in (b) below as follows:

1. Each applicant must produce documents which total at least six points.
2. Each applicant must present at least one primary document.
3. Each applicant must present at least one secondary document.

Subsection (b) of the regulation identifies the acceptable primary and secondary documents. Acceptable primary documents for United States citizens are:

Document	Value
United States or United States Territory birth certificate	4
United States Department of State birth certificate (Form FS-545 or DS-1350)	4
United States Department of State Consular Report of Birth Abroad (Form FS-240)	4
United States adoption papers	4
United States passport (current or expired less than three years)	4
New Jersey digitized driver license (current or expired less than three	4

years)	
Valid New Jersey non-driver digitized identification card	4
Valid United States military photo identification card	4
Certificate of Naturalization (Form N-550, N-570 or N-578)	4
Certificate of Citizenship (Form N-560, N-561 or N-645)	4
Special learner's permit with digitized image	4
Examination permit with digitized image	4
Provisional license with digitized image	4

N.J.A.C. 13:21-8.2(b).

Acceptable secondary documents, at least one of which must be submitted by a United States citizen and a person who is not a citizen, are:

Document	Value
Valid New Jersey digitized driver license (a secondary document for non-United States citizens only)	4
Special learner's permit with digitized image (a secondary document for non-United States citizens only)	4
Examination permit with digitized image (a secondary document for non-United States citizens only)	4
Provisional license with digitized image (a secondary document for non-United States citizens only)	4
Legal name change court order signed by a judge or court clerk	3
Civil marriage certificate or divorce decree	3
Current United States military dependent card	3
United States military photo retiree card	3
New Jersey firearm purchaser card	3
Valid United States government employee driver license	2
Valid United States government employee photo identification card	2
United States military discharge papers (DD214)	2
Federal Aviation Administration pilot license	2
United States school photo identification card with transcript or school records	2
United States college photo identification card with transcript	2
Current New Jersey non-digitized photo driver license	1
Current photo driver license of any other state of the United States including the District of Columbia	1
State professional license	1
New Jersey public assistance card with photo	1
Social Security card with Social Security Administration (SSA) verification	1
High school diploma or GED (general equivalency diploma)	1

Bank statement/record (cannot be submitted in conjunction with ATM card)	1
ATM (automated teller machine) card with preprinted name and applicant's signature (cannot be submitted in conjunction with bank statement)	1
Current health insurance card or current prescription card	1
Current employee identification card accompanied by a printed pay stub	1
Property tax statement, bill or receipt issued by a New Jersey municipality	1
High school certificate (written test waiver)	1
Veteran's Administration universal access photo identification card	1

An identification card issues by the Department of Corrections is arguably similar to some of the documents listed, including a New Jersey firearm purchaser card or a public assistance card, but it is not included in the list above.

Title 39 does not provide the same level of detail as the regulations regarding the issuance of a license. *N.J.S. 39:3-10*, which deals with licenses, says the following:

The commission in its discretion may refuse to grant a permit or license to drive motor vehicles to a person who is, in its estimation, not a proper person to be granted such a permit or license, but no defect of the applicant shall debar the applicant from receiving a permit or license unless it can be shown by tests approved by the commission that the defect incapacitates the applicant from safely operating a motor vehicle.

In addition to requiring an applicant for a driver's license to submit satisfactory proof of identity and age, the commission also shall require the applicant to provide, as a condition for obtaining a permit and license, satisfactory proof that the applicant's presence in the United States is authorized under federal law.

If the commission has reasonable cause to suspect that any document presented by an applicant as proof of identity, age or legal residency is altered, false or otherwise invalid, the commission shall refuse to grant the permit or license until such time as the document may be verified by the issuing agency to the commission's satisfaction.

There is no reference to Department of Corrections identification cards in Title 39 of the statutes or in the licensing provisions contained in Title 13 of the Administrative Code (Chapter 21 pertains to Licensing Service).

Interestingly, however, *N.J.S. 30:1B-6.2*, which pertains to the Department of Corrections (Title 30 pertains to institutions and agencies and Chapter 1B pertains to the Department of Corrections) provides that:

The Commissioner of Corrections shall provide to each inmate at least ten days prior to release from a State correctional facility:

...

f. A non-driver identification card, which shall be issued by the New Jersey Motor Vehicle Commission and for which the Motor Vehicle Commission shall accept a former inmate's Department of Corrections identification card to have a two-point value in applying for the non-driver identification card;

...

If the Motor Vehicle Commission acknowledges the above statutory section and currently issues non-driver identification cards as described, then modifying this statutory provision may address the issue identified by the Chairman. One option for the revisions is shown below.

f. A non-driver identification card, which shall be issued by the New Jersey Motor Vehicle Commission and for which the Motor Vehicle Commission shall accept a former inmate's Department of Corrections identification card to have a two-point value in applying for the non-driver identification card. The Department of Corrections identification card shall also have a two-point value if a former inmate applies for a license to drive in the State of New Jersey;