

ALASKA LEGISLATURE COMMITTEE FILES 2007-2008

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Security of facilities is not defined in the Act or final regulations, therefore, it is unknown at this time what the Department of Homeland Security (DHS) deems as a secure facility. The DMV looks forward to gathering that information in the near future from DHS.

The issue of how rural Alaskans living off the road system will be able to travel by airplane without a REAL ID compliant card was also discussed in the testimony. Because there is not a DMV in every community, the State of Alaska will continue to issue off road system driver's licenses and ID cards that are not REAL ID compliant. Off road system cards do not have photographs. Individuals issued these types of cards are able to travel, despite the lack of a photograph, into hubs where there are DMV offices that can issue cards with photographs. The DMV has spoken with Transportation Safety Administration and has received confirmation that Alaskans living in outlying areas will be able to fly into hubs with off road system identification.

The Administration shares your concerns with the REAL ID Act. It is of the utmost importance that the privacy and personal information of Alaskans be protected and adequate federal funds be provided to states before compliance.

Thank you for the opportunity to share this information. It is my hope that we will continue communication so that we can all make the best decision possible for Alaska and its residents. If you have any questions, please feel free to contact me.

Sincerely,



Whitney Brewster
Director

cc: Governor Sarah Palin
Department of Administration Commissioner Annette Kreitzer
Senate Judiciary Committee Vice-Chairman Charlie Huggins
Senator Lesil McGuire
Senator Bill Wielechowski
Senator Gene Therriault
John Katz, Office of Governor Sarah Palin

The Real ID Act of 2005 (*contained in P.L. 109-13*)

TITLE II--IMPROVED SECURITY FOR DRIVERS' LICENSES AND PERSONAL IDENTIFICATION CARDS

SEC. 201. DEFINITIONS.

In this title, the following definitions apply:

- (1) **DRIVER'S LICENSE-** The term `driver's license' means a motor vehicle operator's license, as defined in section 30301 of title 49, United States Code.
- (2) **IDENTIFICATION CARD-** The term `identification card' means a personal identification card, as defined in section 1028(d) of title 18, United States Code, issued by a State.
- (3) **OFFICIAL PURPOSE-** The term `official purpose' includes but is not limited to accessing Federal facilities, boarding federally regulated commercial aircraft, entering nuclear power plants, and any other purposes that the Secretary shall determine.
- (4) **SECRETARY-** The term `Secretary' means the Secretary of Homeland Security.
- (5) **STATE-** The term `State' means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

SEC. 202. MINIMUM DOCUMENT REQUIREMENTS AND ISSUANCE STANDARDS FOR FEDERAL RECOGNITION.

- (a) **Minimum Standards for Federal Use-**

(1) IN GENERAL- Beginning 3 years after the date of the enactment of this division, a Federal agency may not accept, for any official purpose, a driver's license or identification card issued by a State to any person unless the State is meeting the requirements of this section.

(2) STATE CERTIFICATIONS- The Secretary shall determine whether a State is meeting the requirements of this section based on certifications made by the State to the Secretary. Such certifications shall be made at such times and in such manner as the Secretary, in consultation with the Secretary of Transportation, may prescribe by regulation.

(b) Minimum Document Requirements- To meet the requirements of this section, a State shall include, at a minimum, the following information and features on each driver's license and identification card issued to a person by the State:

- (1) The person's full legal name.**
- (2) The person's date of birth.**
- (3) The person's gender.**
- (4) The person's driver's license or identification card number.**
- (5) A digital photograph of the person.**
- (6) The person's address of principle residence.**
- (7) The person's signature.**
- (8) Physical security features designed to prevent tampering, counterfeiting, or duplication of the document for fraudulent purposes.**
- (9) A common machine-readable technology, with defined minimum data elements.**

(c) Minimum Issuance Standards-

(1) IN GENERAL- To meet the requirements of this section, a State shall require, at a minimum, presentation and verification of the following information before issuing a driver's license or identification card to a person:

(A) A photo identity document, except that a non-photo identity document is acceptable if it includes both the person's full legal name and date of birth.

(B) Documentation showing the person's date of birth.

(C) Proof of the person's social security account number or verification that the person is not eligible for a social security account number.

(D) Documentation showing the person's name and address of principal residence.

(2) SPECIAL REQUIREMENTS-

(A) IN GENERAL- To meet the requirements of this section, a State shall comply with the minimum standards of this paragraph.

(B) EVIDENCE OF LAWFUL STATUS- A State shall require, before issuing a driver's license or identification card to a person, valid documentary evidence that the person--

(i) is a citizen or national of the United States;

(ii) is an alien lawfully admitted for permanent or temporary residence in the United States;

(iii) has conditional permanent resident status in the United States;

(iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;

(v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;

(vi) has a pending application for asylum in the United States;

(vii) has a pending or approved application for temporary protected status in the United States;

(viii) has approved deferred action status; or

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(C) TEMPORARY DRIVERS' LICENSES AND IDENTIFICATION CARDS-

(i) **IN GENERAL-** If a person presents evidence under any of clauses (v) through (ix) of subparagraph (B), the State may only issue a temporary driver's license or temporary identification card to the person.

(ii) **EXPIRATION DATE-** A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year.

(iii) **DISPLAY OF EXPIRATION DATE-** A temporary driver's license or temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires.

(iv) **RENEWAL-** A temporary driver's license or temporary identification card issued pursuant to this subparagraph may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the temporary driver's license or temporary identification card has been extended by the Secretary of Homeland Security.

(3) VERIFICATION OF DOCUMENTS- To meet the requirements of this section, a State shall implement the following procedures:

(A) Before issuing a driver's license or identification card to a person, the State shall verify, with the issuing agency, the issuance, validity, and completeness of each document required to be presented by the person under paragraph (1) or (2).

(B) The State shall not accept any foreign document, other than an official passport, to satisfy a requirement of paragraph (1) or (2).

(C) Not later than September 11, 2005, the State shall enter into a memorandum of understanding with the Secretary of Homeland Security to routinely utilize the automated system known as Systematic Alien Verification for Entitlements, as provided for by section 404 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (110 Stat. 3009-664), to verify the legal presence status of a person, other than a United States citizen, applying for a driver's license or identification card.

(d) Other Requirements- To meet the requirements of this section, a State shall adopt the following practices in the issuance of drivers' licenses and identification cards:

(1) Employ technology to capture digital images of identity source documents so that the images can be retained in electronic storage in a transferable format.

(2) Retain paper copies of source documents for a minimum of 7 years or images of source documents presented for a minimum of 10 years.

(3) Subject each person applying for a driver's license or identification card to mandatory facial image capture.

(4) Establish an effective procedure to confirm or verify a renewing applicant's information.

(5) Confirm with the Social Security Administration a social security account number presented by a person using the full social security account number. In the event that a social security account number is already registered to or associated with another person to which any State has issued a driver's license or identification card, the State shall resolve the discrepancy and take appropriate action.

(6) Refuse to issue a driver's license or identification card to a person holding a driver's license issued by another State without confirmation that the person is terminating or has terminated the driver's license.

(7) Ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

(8) Subject all persons authorized to manufacture or produce drivers' licenses and identification cards to appropriate security clearance requirements.

(9) Establish fraudulent document recognition training programs for appropriate employees engaged in the issuance of drivers' licenses and identification cards.

(10) Limit the period of validity of all driver's licenses and identification cards that are not temporary to a period that does not exceed 8 years.

(11) In any case in which the State issues a driver's license or identification card that does not satisfy the requirements of this section, ensure that such license or identification card--

(A) clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose; and

(B) uses a unique design or color indicator to alert Federal agency and other law enforcement personnel that it may not be accepted for any such purpose.

(12) Provide electronic access to all other States to information contained in the motor vehicle database of the State.

(13) Maintain a State motor vehicle database that contains, at a minimum--

(A) all data fields printed on drivers' licenses and identification cards issued by the State; and

(B) motor vehicle drivers' histories, including motor vehicle violations, suspensions, and points on licenses.

SEC. 203. TRAFFICKING IN AUTHENTICATION FEATURES FOR USE IN FALSE IDENTIFICATION DOCUMENTS.

(a) Criminal Penalty- Section 1028(a)(8) of title 18, United States Code, is amended by striking 'false authentication features' and inserting 'false or actual authentication features'.

(b) Use of False Driver's License at Airports-

(1) IN GENERAL- The Secretary shall enter, into the appropriate aviation security screening database, appropriate information regarding any person convicted of using a false driver's license at an airport (as such term is defined in section 40102 of title 49, United States Code).

(2) FALSE DEFINED- In this subsection, the term 'false' has the same meaning such term has under section 1028(d) of title 18, United States Code.

SEC. 204. GRANTS TO STATES.

(a) In General- The Secretary may make grants to a State to assist the State in conforming to the minimum standards set forth in this title.

(b) Authorization of Appropriations- There are authorized to be appropriated to the Secretary for each of the fiscal years 2005 through 2009 such sums as may be necessary to carry out this title.

SEC. 205. AUTHORITY.

(a) Participation of Secretary of Transportation and States- All authority to issue regulations, set standards, and issue grants under this title shall be carried out by the Secretary, in consultation with the Secretary of Transportation and the States.

(b) Extensions of Deadlines- The Secretary may grant to a State an extension of time to meet the requirements of section 202(a)(1) if the State provides adequate justification for noncompliance.

SEC. 206. REPEAL.

Section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is repealed.

SEC. 207. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title shall be construed to affect the authorities or responsibilities of the Secretary of Transportation or the States under chapter 303 of title 49, United States Code.

extensive evaluation under the requirements of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq. and Council on Environmental Quality (CEQ) regulations, 40 CFR parts 1501–1508. DHS Categorical Exclusion A3 (Table 1 Management Directive 5100.1). Categorical Exclusion A3 applies to the promulgation of this rule, since it is of an administrative and procedural nature that does not force an immediate action but only lays the foundation for subsequent action. The categorical exclusion applies only to the promulgation of the REAL ID rule. Environmental impacts that may be associated with any follow-on DHS activity, such as approval of grant funding, must be reviewed if and when the subsequent program actions create the potential for environmental impact.

E. Energy Impact Analysis

The energy impact of this rule has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Public Law 94–163, as amended (42 U.S.C. 6362). We have determined that this rulemaking is not a major regulatory action under the provisions of the EPCA.

F. Executive Order 13175 (Tribal Consultation)

DHS has analyzed this final rule under Executive Order 13175 (entitled "Consultation and Coordination with Indian Tribal Governments", issued November 6, 2000). Executive Order 13175 states that no agency shall promulgate regulations that have tribal implications, that impose substantial direct compliance costs on Indian tribal governments, or that are not required by statute unless the agency first consults with tribal officials and prepares a tribal summary impact statement.

DHS has determined that this final rule will not have a substantial direct effect on one or more Indian tribes and will not impose substantial direct compliance costs on Indian tribal governments. This rule also does not seek to preempt any tribal laws. This final rule does not satisfy the tribal implications requirement in that it is a rule of general applicability that establishes minimum standards for State-issued driver's licenses and identification cards that Federal agencies will accept for official purposes on or after May 11, 2008, a statutory mandate under the REAL ID Act of 2005. Therefore, tribal consultation and a tribal summary impact statement are not required.

List of Subjects in 6 CFR Part 37

Document security, driver's licenses, identification cards, incorporation by reference, motor vehicle administrations, physical security.

The Amendments

■ For the reasons set forth above, the Department of Homeland Security amends 6 CFR Chapter I by adding a new Part 37 as follows:

TITLE 6—HOMELAND SECURITY

CHAPTER I—DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE SECRETARY

PART 37—REAL ID DRIVER'S LICENSES AND IDENTIFICATION CARDS

Subpart A—General

Sec.

- 37.1 Applicability.
- 37.3 Definitions.
- 37.5 Validity periods and deadlines for REAL ID driver's licenses and identification cards.

Subpart B—Minimum Documentation, Verification, and Card Issuance Requirements

- 37.11 Application and documents the applicant must provide.
- 37.13 Document verification requirements.
- 37.15 Physical security features for the driver's license or identification card.
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- 37.21 Temporary or limited-term driver's licenses and identification cards.
- 37.23 Reissued REAL ID driver's licenses and identification cards.
- 37.25 Renewal of REAL ID driver's licenses and identification cards.
- 37.27 Driver's licenses and identification cards issued during the age-based enrollment period.
- 37.29 Prohibition against holding more than one REAL ID card or more than one driver's license.

Subpart C—Other Requirements

- 37.31 Source document retention.
- 37.33 DMV databases.

Subpart D—Security at DMVs and Driver's License and Identification Card Production Facilities

- 37.41 Security plan.
- 37.43 Physical security of DMV production facilities.
- 37.45 Background checks for covered employees.

Subpart E—Procedures for Determining State Compliance

- 37.51 Compliance—general requirements.
- 37.55 State certification documentation.

- 37.59 DHS reviews of State compliance.
- 37.61 Results of compliance determination.
- 37.63 Extension of deadline.
- 37.65 Effect of failure to comply with this Part.

Subpart F—Driver's Licenses and Identification Cards Issued Under Section 202(d)(11) of the REAL ID Act

- 37.71 Driver's licenses and identification cards issued under section 202(d)(11) of the REAL ID Act.

Authority: 49 U.S.C. 30301 note; 6 U.S.C. 111, 112.

PART 37—REAL ID DRIVER'S LICENSES AND IDENTIFICATION CARDS

Subpart A—General

§ 37.1 Applicability.

(a) Subparts A through E of this part apply to States and U.S. territories that choose to issue driver's licenses and identification cards that can be accepted by Federal agencies for official purposes.

(b) Subpart F establishes certain standards for State-issued driver's licenses and identification cards issued by States that participate in REAL ID, but that are not intended to be accepted by Federal agencies for official purpose under section 202(d)(11) of the REAL ID Act.

§ 37.3 Definitions.

For purposes of this part:

Birth certificate means the record related to a birth that is permanently stored either electronically or physically at the State Office of Vital Statistics or equivalent agency in a registrant's State of birth.

Card means either a driver's license or identification card issued by the State Department of Motor Vehicles (DMV) or equivalent State office.

Certification means an assertion by the State to the Department of Homeland Security that the State has met the requirements of this Part.

Certified copy of a birth certificate means a copy of the whole or part of a birth certificate registered with the State that the State considers to be the same as the original birth certificate on file with the State Office of Vital Statistics or equivalent agency in a registrant's State of birth.

Covered employees means Department of Motor Vehicles employees or contractors who are involved in the manufacture or production of REAL ID driver's licenses and identification cards, or who have the ability to affect the identity information that appears on the driver's license or identification card.

Data verification means checking the validity of data contained in source documents presented under this regulation.

DHS means the U.S. Department of Homeland Security.

DMV means the Department of Motor Vehicles or any State Government entity that issues driver's licenses and identification cards, or an office with equivalent function for issuing driver's licenses and identification cards.

Determination means a decision by the Department of Homeland Security that a State has or has not met the requirements of this Part and that Federal agencies may or may not accept the driver's licenses and identification cards issued by the State for official purposes.

Digital photograph means a digital image of the face of the holder of the driver's license or identification card.

Document authentication means determining that the source document presented under these regulations is genuine and has not been altered.

Domestic violence and dating violence have the meanings given the terms in section 3, Universal definitions and grant provisions, of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, 119 Stat. 2960, 2964, Jan. 5, 2006); codified at section 40002, Definitions and grant provisions, 42 U.S.C. 13925, or State laws addressing domestic and dating violence.

Driver's license means a motor vehicle operator's license, as defined in 49 U.S.C. 30301.

Duplicate means a driver's license or identification card issued subsequent to the original document that bears the same information and expiration date as the original document and that is reissued at the request of the holder when the original is lost, stolen, or damaged and there has been no material change in information since prior issuance.

Federal agency means all executive agencies including Executive departments, a Government corporation, and an independent establishment as defined in 5 U.S.C. 105.

Federally-regulated commercial aircraft means a commercial aircraft regulated by the Transportation Security Administration (TSA).

Full compliance means that the Secretary or his designate(s) has determined that a State has met all the requirements of Subparts A through E.

Full legal name means an individual's first name, middle name(s), and last name or surname, without use of initials or nicknames.

IAFIS means the Integrated Automated Fingerprint Identification System, a national fingerprint and criminal history system maintained by the Federal Bureau of Investigation (FBI) that provides automated fingerprint search capabilities.

Identification card means a document made or issued by or under the authority of a State Department of Motor Vehicles or State office with equivalent function which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

INS means the former-Immigration and Naturalization Service of the U.S. Department of Justice.

Lawful status: A person in lawful status is a citizen or national of the United States; or an alien: lawfully admitted for permanent or temporary residence in the United States; with conditional permanent resident status in the United States; who has an approved application for asylum in the United States or has entered into the United States in refugee status; who has a valid nonimmigrant status in the United States; who has a pending application for asylum in the United States; who has a pending or approved application for temporary protected status (TPS) in the United States; who has approved deferred action status; or who has a pending application for lawful permanent residence (LPR) or conditional permanent resident status. This definition does not affect other definitions or requirements that may be contained in the Immigration and Nationality Act or other laws.

Material change means any change to the personally identifiable information of an individual as defined under this part. Notwithstanding the definition of personally identifiable information below, a change of address of principal residence does not constitute a material change.

Material compliance means a determination by DHS that a State has met the benchmarks contained in the Material Compliance Checklist.

NCIC means the National Crime Information Center, a computerized index of criminal justice information maintained by the Federal Bureau of Investigation (FBI) that is available to Federal, State, and local law enforcement and other criminal justice agencies.

Official purpose means accessing Federal facilities, boarding Federally-regulated commercial aircraft, and entering nuclear power plants.

Passport means a passport booklet or card issued by the U.S. Department of

State that can be used as a travel document to gain entry into the United States and that denotes identity and citizenship as determined by the U.S. Department of State.

Personally identifiable information means any information which can be used to distinguish or trace an individual's identity, such as their name; driver's license or identification card number; social security number; biometric record, including a digital photograph or signature; alone, or when combined with other personal or identifying information, which is linked or linkable to a specific individual, such as a date and place of birth or address, whether it is stored in a database, on a driver's license or identification card, or in the machine readable technology on a license or identification card.

Principal residence means the location where a person currently resides (i.e., presently resides even if at a temporary address) in conformance with the residency requirements of the State issuing the driver's license or identification card, if such requirements exist.

REAL ID Driver's License or Identification Card means a driver's license or identification card that has been issued by a State that has been certified by DHS to be in compliance with the requirements of the REAL ID Act and which meets the standards of subparts A through D of this part, including temporary or limited-term driver's licenses or identification cards issued under § 37.21.

Reissued card means a card that a State DMV issues to replace a card that has been lost, stolen or damaged, or to replace a card that includes outdated information. A card may not be reissued remotely when there is a material change to the personally identifiable information as defined by the Rule.

Renewed card means a driver's license or identification card that a State DMV issues to replace a renewable driver's license or identification card.

SAVE means the DHS Systematic Alien Verification for Entitlements system, or such successor or alternate verification system at the Secretary's discretion.

Secretary means the Secretary of Homeland Security.

Sexual assault and stalking have the meanings given the terms in section 3, universal definitions and grant provisions, of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. 109-162, 119 Stat. 2960, 2964, Jan. 5, 2006); codified at section 40002, Definitions and grant provisions, 42

U.S.C. 13925, or State laws addressing sexual assault and stalking.

Source document(s) means original or certified copies (where applicable) of documents presented by an applicant as required under these regulations to the Department of Motor Vehicles to apply for a driver's license or identification card.

State means a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

State address confidentiality program means any State-authorized or State-administered program that—

(1) Allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking to keep, obtain, and use alternative addresses; or

(2) Provides confidential record-keeping regarding the addresses of such victims or other categories of persons.

Temporary lawful status: A person in temporary lawful status is a person who: has a valid nonimmigrant status in the United States; has a pending application for asylum in the United States; has a pending or approved application for temporary protected status (TPS) in the United States; has approved deferred action status; or has a pending application for LPR or conditional permanent resident status.

Verify means procedures to ensure that:

(1) The source document is genuine and has not been altered (i.e., "document authentication"); and

(2) The identity data contained on the document is valid ("data verification").

§ 37.5 Validity periods and deadlines for REAL ID driver's licenses and identification cards.

(a) Driver's licenses and identification cards issued under this part, that are not temporary or limited-term driver's licenses and identification cards, are valid for a period not to exceed eight years. A card may be valid for a shorter period based on other State or Federal requirements.

(b) On or after December 1, 2014, Federal agencies shall not accept a driver's license or identification card for official purposes from individuals born after December 1, 1964, unless such license or card is a REAL ID-compliant driver's license or identification card issued by a State that has been determined by DHS to be in full compliance as defined under this subpart.

(c) On or after December 1, 2017, Federal agencies shall not accept a

driver's license or identification card for official purposes from any individual unless such license or card is a REAL ID-compliant driver's license or identification card issued by a State that has been determined by DHS to be in full compliance as defined under this subpart.

(d) Federal agencies cannot accept for official purpose driver's licenses and identification cards issued under § 37.71 of this rule.

Subpart B—Minimum Documentation, Verification, and Card Issuance Requirements

§ 37.11 Application and documents the applicant must provide.

(a) The State must subject each person applying for a REAL ID driver's license or identification card to a mandatory facial image capture, and shall maintain photographs of individuals even if no card is issued. The photographs must be stored in a format in accordance with § 37.31 as follows:

(1) If no card is issued, for a minimum period of five years.

(2) If a card is issued, for a period of at least two years beyond the expiration date of the card.

(b) *Declaration.* Each applicant must sign a declaration under penalty of perjury that the information presented on the application is true and correct, and the State must retain this declaration. An applicant must sign a new declaration when presenting new source documents to the DMV on subsequent visits.

(c) *Identity.* (1) To establish identity, the applicant must present at least one of the following source documents:

(i) Valid, unexpired U.S. passport.

(ii) Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth.

(iii) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545.

(iv) Valid, unexpired Permanent Resident Card (Form I-551) issued by DHS or INS.

(v) Unexpired employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B.

(vi) Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.

(vii) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570.

(viii) Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS.

(ix) REAL ID driver's license or identification card issued in compliance with the standards established by this part.

(x) Such other documents as DHS may designate by notice published in the *Federal Register*.

(2) Where a State permits an applicant to establish a name other than the name that appears on a source document (for example, through marriage, adoption, court order, or other mechanism permitted by State law or regulation), the State shall require evidence of the name change through the presentation of documents issued by a court, governmental body or other entity as determined by the State. The State shall maintain copies of the documentation presented pursuant to § 37.31, and maintain a record of both the recorded name and the name on the source documents in a manner to be determined by the State and in conformity with § 37.31.

(d) *Date of birth.* To establish date of birth, an individual must present at least one document included in paragraph (c) of this section.

(e) *Social security number (SSN).* (1) Except as provided in paragraph (e)(3) of this section, individuals presenting the identity documents listed in § 37.11(c)(1) and (2) must present his or her Social Security Administration account number card; or, if a Social Security Administration account card is not available, the person may present any of the following documents bearing the applicant's SSN:

(i) A W-2 form,

(ii) A SSA-1099 form,

(iii) A non-SSA-1099 form, or

(iv) A pay stub with the applicant's name and SSN on it.

(2) The State DMV must verify the SSN pursuant to § 37.13(b)(2) of this subpart.

(3) Individuals presenting the identity document listed in § 37.11(c)(1)(vi) must present an SSN or demonstrate non-work authorized status.

(f) *Documents demonstrating address of principal residence.* To document the address of principal residence, a person must present at least two documents of the State's choice that include the individual's name and principal residence. A street address is required except as provided in § 37.17(f) of this part.

(g) *Evidence of lawful status in the United States.* A DMV may issue a REAL ID driver's license or identification card only to a person who has presented satisfactory evidence of lawful status.

(1) If the applicant presents one of the documents listed under paragraphs

(c)(1)(i), (c)(1)(ii), (c)(1)(iii), (c)(1)(iv), (c)(1)(vii) or (c)(1)(viii) of this section, the issuing State's verification of the applicant's identity in the manner prescribed in § 37.13 will also provide satisfactory evidence of lawful status.

(2) If the applicant presents one of the identity documents listed under paragraphs (c)(1)(v) or (c)(1)(vi), or (c)(1)(ix) of this section, the issuing State's verification of the identity document(s) does not provide satisfactory evidence of lawful status. The applicant must also present a second document from § 37.11(g)(1) or documentation issued by DHS or other Federal agencies demonstrating lawful status as determined by USCIS. All documents shall be verified in the manner prescribed in § 37.13.

(h) *Exceptions Process.* A State DMV may choose to establish a written, defined exceptions process for persons who, for reasons beyond their control, are unable to present all necessary documents and must rely on alternate documents to establish identity or date of birth. Alternative documents to demonstrate lawful status will only be allowed to demonstrate U.S. citizenship.

(1) Each State establishing an exceptions process must make reasonable efforts to establish the authenticity of alternate documents each time they are presented and indicate that an exceptions process was used in the applicant's record.

(2) The State shall retain copies or images of the alternate documents accepted pursuant to § 37.31 of this part.

(3) The State shall conduct a review of the use of the exceptions process, and pursuant to subpart E of this part, prepare and submit a report with a copy of the exceptions process as part of the certification documentation detailed in § 37.55.

(i) States are not required to comply with these requirements when issuing REAL ID driver's licenses or identification cards in support of Federal, State, or local criminal justice agencies or other programs that require special licensing or identification to safeguard persons or in support of their other official duties. As directed by appropriate officials of these Federal, State, or local agencies, States should take sufficient steps to safeguard the identities of such persons. Driver's licenses and identification cards issued in support of Federal, State, or local criminal justice agencies or programs that require special licensing or identification to safeguard persons or in support of their other official duties shall not be distinguishable from other REAL ID licenses or identification cards issued by the State.

§ 37.13 Document verification requirements.

(a) States shall make reasonable efforts to ensure that the applicant does not have more than one driver's license or identification card already issued by that State under a different identity. In States where an individual is permitted to hold both a driver's license and identification card, the State shall ensure that the individual has not been issued identification documents in multiple or different names. States shall also comply with the provisions of § 37.29 before issuing a driver's license or identification card.

(b) States must verify the documents and information required under § 37.11 with the issuer of the document. States shall use systems for electronic validation of document and identity data as they become available or use alternative methods approved by DHS.

(1) States shall verify any document described in § 37.11(c) or (g) and issued by DHS (including, but not limited to, the I-94 form described in § 37.11(c)(vi)) through the Systematic Alien Verification for Entitlements (SAVE) system or alternate methods approved by DHS, except that if two DHS-issued documents are presented, a SAVE verification of one document that confirms lawful status does not need to be repeated for the second document. In the event of a non-match, the DMV must not issue a REAL ID driver's license or identification card to an applicant, and must refer the individual to U.S. Citizenship and Immigration Services for resolution.

(2) States must verify SSNs with the Social Security Administration (SSA) or through another method approved by DHS. In the event of a non-match with SSA, a State may use existing procedures to resolve non-matches. If the State is unable to resolve the non-match, and the use of an exceptions process is not warranted in the situation, the DMV must not issue a REAL ID driver's license or identification card to an applicant until the information verifies with SSA.

(3) States must verify birth certificates presented by applicants. States should use the Electronic Verification of Vital Events (EVVE) system or other electronic systems whenever the records are available. If the document does not appear authentic upon inspection or the data does not match and the use of an exceptions process is not warranted in the situation, the State must not issue a REAL ID driver's license or identification card to the applicant until the information verifies, and should refer the individual to the issuing office for resolution.

(4) States shall verify documents issued by the Department of State with the Department of State or through methods approved by DHS.

(5) States must verify REAL ID driver's licenses and identification cards with the State of issuance.

(6) Nothing in this section precludes a State from issuing an interim license or a license issued under § 37.71 that will not be accepted for official purposes to allow the individual to resolve any non-match.

§ 37.15 Physical security features for the driver's license or identification card.

(a) *General.* States must include document security features on REAL ID driver's licenses and identification cards designed to deter forgery and counterfeiting, promote an adequate level of confidence in the authenticity of cards, and facilitate detection of fraudulent cards in accordance with this section.

(1) These features must not be capable of being reproduced using technologies that are commonly used and made available to the general public.

(2) The proposed card solution must contain a well-designed, balanced set of features that are effectively combined and provide multiple layers of security. States must describe these document security features in their security plans pursuant to § 37.41.

(b) *Integrated security features.* REAL ID driver's licenses and identification cards must contain at least three levels of integrated security features that provide the maximum resistance to persons' efforts to—

(1) Counterfeit, alter, simulate, or reproduce a genuine document;

(2) Alter, delete, modify, mask, or tamper with data concerning the original or lawful card holder;

(3) Substitute or alter the original or lawful card holder's photograph and/or signature by any means; and

(4) Create a fraudulent document using components from legitimate driver's licenses or identification cards.

(c) *Security features to detect false cards.* States must employ security features to detect false cards for each of the following three levels:

(1) *Level 1.* cursory examination, without tools or aids involving easily identifiable visual or tactile features, for rapid inspection at point of usage.

(2) *Level 2.* Examination by trained inspectors with simple equipment.

(3) *Level 3.* Inspection by forensic specialists.

(d) *Document security and integrity.* States must conduct a review of their card design and submit a report to DHS with their certification that indicates the

ability of the design to resist compromise and document fraud attempts. The report required by this paragraph is SSI and must be handled and protected in accordance with 49 CFR part 1520. Reports must be updated and submitted to DHS whenever a security feature is modified, added, or deleted. After reviewing the report, DHS may require a State to provide DHS with examination results from a recognized independent laboratory experienced with adversarial analysis of identification documents concerning one or more areas relating to the card's security.

§ 37.17 Requirements for the surface of the driver's license or identification card.

To be accepted by a Federal agency for official purposes, REAL ID driver's licenses and identification cards must include on the front of the card (unless otherwise specified below) the following information:

(a) *Full legal name.* Except as permitted in § 37.11(c)(2), the name on the face of the license or card must be the same as the name on the source document presented by the applicant to establish identity. Where the individual has only one name, that name should be entered in the last name or family name field, and the first and middle name fields should be left blank. Place holders such as NFN, NMN, and NA should not be used.

(b) *Date of birth.*

(c) *Gender,* as determined by the State.

(d) *Unique Driver's license or identification card number.* This cannot be the individual's SSN, and must be unique across driver's license or identification cards within the State.

(e) *Full facial digital photograph.* A full facial photograph must be taken pursuant to the standards set forth below:

(1) States shall follow specifically ISO/IEC 19794-5:2005(E) Information technology—Biometric Data Interchange Formats—Part 5: Face Image Data. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of these incorporated standards from <http://www.ansi.org>, or by contacting ANSI at ANSI, 25 West 43rd Street, 4th Floor, New York, New York 10036. You may inspect a copy of the incorporated standard at the Department of Homeland Security, 1621 Ken Street, 9th Floor, Rosslyn, VA (please call 703-235-0709 to make an appointment) or at the National Archives and Records Administration (NARA). For information on the availability of

material at NARA, call 202-741-6030, or go to www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

These standards include:

(i) Lighting shall be equally distributed on the face.

(ii) The face from crown to the base of the chin, and from ear-to-ear, shall be clearly visible and free of shadows.

(iii) Veils, scarves or headdresses must not obscure any facial features and not generate shadow. The person may not wear eyewear that obstructs the iris or pupil of the eyes and must not take any action to obstruct a photograph of their facial features.

(iv) Where possible, there must be no dark shadows in the eye-sockets due to the brow. The iris and pupil of the eyes shall be clearly visible.

(v) Care shall be taken to avoid "hot spots" (bright areas of light shining on the face).

(2) Photographs may be in black and white or color.

(f) *Address of principal residence.* except an alternative address may be displayed for:

(1) Individuals for whom a State law, regulation, or DMV procedure permits display of an alternative address, or

(2) Individuals who satisfy any of the following:

(i) If the individual is enrolled in a State address confidentiality program which allows victims of domestic violence, dating violence, sexual assault, stalking, or a severe form of trafficking, to keep, obtain, and use alternative addresses; and provides that the addresses of such persons must be kept confidential, or other similar program;

(ii) If the individual's address is entitled to be suppressed under State or Federal law or suppressed by a court order including an administrative order issued by a State or Federal court; or

(iii) If the individual is protected from disclosure of information pursuant to section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

(3) In areas where a number and street name has not been assigned for U.S. mail delivery, an address convention used by the U.S. Postal Service is acceptable.

(g) *Signature.* (1) The card must include the signature of the card holder. The signature must meet the requirements of the March 2005 American Association of Motor Vehicle Administrators (AAMVA) standards for the 2005 AAMVA Driver's License/Identification Card Design Specifications, Annex A, section

A.7.7.2. This standard includes requirements for size, scaling, cropping, color, borders, and resolution. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of these standards from AAMVA on-line at <http://www.aamva.org>, or by contacting AAMVA at 4301 Wilson Boulevard, Suite 400, Arlington, VA 22203. You may inspect a copy of these incorporated standards at the Department of Homeland Security, 1621 Kent Street, 9th Floor, Rosslyn, VA (please call 703-235-0709 to make an appointment) or at the National Archives and Records Administration (NARA). For information on the availability of material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(2) The State shall establish alternative procedures for individuals unable to sign their name.

(h) *Physical security features,* pursuant to § 37.15 of this subpart.

(i) *Machine-readable technology on the back of the card,* pursuant to § 37.19 of this subpart.

(j) *Date of transaction.*

(k) *Expiration date.*

(l) *State or territory of issuance.*

(m) *Printed information.* The name, date of birth, gender, card number, issue date, expiration date, and address on the face of the card must be in Latin alphanumeric characters. The name must contain a field of no less than a total of 39 characters, and longer names shall be truncated following the standard established by International Civil Aviation Organization (ICAO) 9303, "Machine Readable Travel Documents," Volume 1, Part 1, Sixth Edition, 2006. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of ICAO 9303 from the ICAO, Document Sales Unit, 999 University Street, Montreal, Quebec, Canada H3C 5H7, e-mail: sales@icao.int. You may inspect a copy of the incorporated standard at the Department of Homeland Security, 1621 Kent Street, 9th Floor, Rosslyn, VA (please call 703-235-0709 to make an appointment) or at the National Archives and Records Administration (NARA). For information on the availability of material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

(n) The card shall bear a DHS-approved security marking on each

driver's license or identification card that is issued reflecting the card's level of compliance as set forth in § 37.51 of this Rule.

§ 37.19 Machine readable technology on the driver's license or identification card.

For the machine readable portion of the REAL ID driver's license or identification card, States must use the ISO/IEC 15438:2006(E) Information Technology—Automatic identification and data capture techniques—PDF417 symbology specification. The Director of the Federal Register approves this incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. You may obtain a copy of these incorporated standards at <http://www.ansi.org>, or by contacting ANSI at ANSI, 25 West 43rd Street, 4th Floor, New York, New York 10036. You may inspect a copy of the incorporated standard at the Department of Homeland Security, 1621 Kent Street, 9th Floor, Rosslyn, VA (please call 703-235-0709 to make an appointment) or at the National Archives and Records Administration (NARA). For information on the availability of material at NARA, call 202-741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html. The PDF417 bar code standard must have the following defined minimum data elements:

- (a) Expiration date.
- (b) Full legal name, unless the State permits an applicant to establish a name other than the name that appears on a source document, pursuant to § 37.11(c)(2).
- (c) Date of transaction.
- (d) Date of birth.
- (e) Gender.
- (f) Address as listed on the card pursuant to § 37.17(f).
- (g) Unique driver's license or identification card number.
- (h) Card design revision date, indicating the most recent change or modification to the visible format of the driver's license or identification card.
- (i) Inventory control number of the physical document.
- (j) State or territory of issuance.

§ 37.21 Temporary or limited-term driver's licenses and identification cards.

States may only issue a temporary or limited-term REAL ID driver's license or identification card to an individual who has temporary lawful status in the United States.

(a) States must require, before issuing a temporary or limited-term driver's license or identification card to a person, valid documentary evidence,

verifiable through SAVE or other DHS-approved means, that the person has lawful status in the United States.

(b) States shall not issue a temporary or limited-term driver's license or identification card pursuant to this section:

(1) For a time period longer than the expiration of the applicant's authorized stay in the United States, or, if there is no expiration date, for a period longer than one year; and

(2) For longer than the State's maximum driver's license or identification card term.

(c) States shall renew a temporary or limited-term driver's license or identification card pursuant to this section and § 37.25(b)(2), only if:

(1) the individual presents valid documentary evidence that the status by which the applicant qualified for the temporary or limited-term driver's license or identification card is still in effect, or

(2) the individual presents valid documentary evidence that he or she continues to qualify for lawful status under paragraph (a) of this section.

(d) States must verify the information presented to establish lawful status through SAVE, or another method approved by DHS.

(e) Temporary or limited-term driver's licenses and identification cards must clearly indicate on the face of the license and in the machine readable zone that the license or card is a temporary or limited-term driver's license or identification card.

§ 37.23 Reissued REAL ID driver's licenses and identification cards.

(a) *State procedure.* States must establish an effective procedure to confirm or verify an applicant's identity each time a REAL ID driver's license or identification card is reissued, to ensure that the individual receiving the reissued REAL ID driver's license or identification card is the same individual to whom the driver's license or identification card was originally issued.

(b) *Remote/Non-in-person reissuance.* Except as provided in paragraph (c) of this section a State may conduct a non-in-person (remote) reissuance if State procedures permit the reissuance to be conducted remotely. Except for the reissuance of duplicate driver's licenses and identification cards as defined in this rule, the State must reverify pursuant to § 37.13, the applicant's SSN and lawful status prior to reissuing the driver's license or identification card.

(c) *In-person reissuance.* The State may not remotely reissue a driver's license or identification card where

there has been a material change in any personally identifiable information since prior issuance. All material changes must be established through an applicant's presentation of an original source document as provided in this subpart, and must be verified as specified in § 37.13.

§ 37.25 Renewal of REAL ID driver's licenses and identification cards.

(a) *In-person renewals.* States must require holders of REAL ID driver's licenses and identification cards to renew their driver's licenses and identification cards with the State DMV in person, no less frequently than every sixteen years.

(1) The State DMV shall take an updated photograph of the applicant, no less frequently than every sixteen years.

(2) The State must reverify the renewal applicant's SSN and lawful status through SSOLV and SAVE, respectively (or other DHS-approved means) as applicable prior to renewing the driver's license or identification card. The State must also verify electronically information that it was not able to verify at a previous issuance or renewal if the systems or processes exist to do so.

(3) Holders of temporary or limited-term REAL ID driver's licenses and identification cards must present evidence of continued lawful status via SAVE or other method approved by DHS when renewing their driver's license or identification card.

(b) *Remote/Non-in-person renewal.* Except as provided in (b)(2) a State may conduct a non-in-person (remote) renewal if State procedures permit the renewal to be conducted remotely.

(1) The State must reverify the applicant's SSN and lawful status pursuant to § 37.13 prior to renewing the driver's license or identification card.

(2) The State may not remotely renew a REAL ID driver's license or identification card where there has been a material change in any personally identifiable information since prior issuance. All material changes must be established through the applicant's presentation of an original source document as provided in Subpart B, and must be verified as specified in § 37.13.

§ 37.27 Driver's licenses and identification cards issued during the age-based enrollment period.

Driver's licenses and identification cards issued to individuals prior to a DHS determination that the State is materially compliant may be renewed or reissued pursuant to current State practices, and will be accepted for

official purposes until the validity dates described in § 37.5. Effective December 1, 2014, Federal agencies will only accept REAL ID cards for official purpose from individuals under 50 as of December 1, 2014. Individuals age 50 or older on December 1, 2014, must obtain and present REAL ID cards for official purposes by December 1, 2017.

§ 37.29 Prohibition against holding more than one REAL ID card or more than one driver's license.

(a) An individual may hold only one REAL ID card. An individual cannot hold a REAL ID driver's license and a REAL ID identification card simultaneously. Nothing shall preclude an individual from holding a REAL ID card and a non-REAL ID card unless prohibited by his or her State.

(b) Prior to issuing a REAL ID driver's license,

(1) A State must check with all other States to determine if the applicant currently holds a driver's license or REAL ID identification card in another State.

(2) If the State receives confirmation that the individual holds a driver's license in another State, or possesses a REAL ID identification card in another State, the receiving State must take measures to confirm that the person has terminated or is terminating the driver's license or REAL ID identification card issued by the prior State pursuant to State law, regulation or procedure.

(c) Prior to issuing a REAL ID identification card,

(1) A State must check with all other States to determine if the applicant currently holds a REAL ID driver's license or identification card in another State.

(2) If the State receives confirmation that the individual holds a REAL ID card in another State the receiving State must take measures to confirm that the person has terminated or is terminating the REAL ID driver's license or identification card issued by the prior State pursuant to State law, regulation or procedure.

Subpart C—Other Requirements

§ 37.31 Source document retention.

(a) States must retain copies of the application, declaration and source documents presented under § 37.11 of this Part, including documents used to establish all names recorded by the DMV under § 37.11(c)(2). States shall take measures to protect any personally identifiable information collected pursuant to the REAL ID Act as described in their security plan under § 37.41(b)(2).

(1) States that choose to keep paper copies of source documents must retain the copies for a minimum of seven years.

(2) States that choose to transfer information from paper copies to microfiche must retain the microfiche for a minimum of ten years.

(3) States that choose to keep digital images of source documents must retain the images for a minimum of ten years.

(4) States are not required to retain the declaration with application and source documents, but must retain the declaration consistent with applicable State document retention requirements and retention periods.

(b) States using digital imaging to retain source documents must store the images as follows:

(1) Photo images must be stored in the Joint Photographic Experts Group (JPEG) 2000 standard for image compression, or a standard that is interoperable with the JPEG standard. Images must be stored in an open (consensus) format, without proprietary wrappers, to ensure States can effectively use the image captures of other States as needed.

(2) Document and signature images must be stored in a compressed Tagged Image Format (TIF), or a standard that is interoperable with the TIF standard.

(3) All images must be retrievable by the DMV if properly requested by law enforcement.

(c) Upon request by an applicant, a State shall record and retain the applicant's name, date of birth, certificate numbers, date filed, and issuing agency in lieu of an image or copy of the applicant's birth certificate, where such procedures are required by State law.

§ 37.33 DMV databases.

(a) States must maintain a State motor vehicle database that contains, at a minimum—

(1) All data fields printed on driver's licenses and identification cards issued by the State, individual serial numbers of the card, and SSN;

(2) A record of the full legal name and recorded name established under § 37.11(c)(2) as applicable, without truncation;

(3) All additional data fields included in the MRZ but not printed on the driver's license or identification card; and

(4) Motor vehicle driver's histories, including motor vehicle violations, suspensions, and points on driver's licenses.

(b) States must protect the security of personally identifiable information, collected pursuant to the REAL ID Act, in accordance with § 37.41(b)(2) of this part.

Subpart D—Security at DMVs and Driver's License and Identification Card Production Facilities

§ 37.41 Security plan.

(a) *In General.* States must have a security plan that addresses the provisions in paragraph (b) of this section and must submit the security plan as part of its REAL ID certification under § 37.55.

(b) Security plan contents. At a minimum, the security plan must address—

(1) Physical security for the following:

(i) Facilities used to produce driver's licenses and identification cards.

(ii) Storage areas for card stock and other materials used in card production.

(2) Security of personally identifiable information maintained at DMV locations involved in the enrollment, issuance, manufacture and/or production of cards issued under the REAL ID Act, including, but not limited to, providing the following protections:

(i) Reasonable administrative, technical, and physical safeguards to protect the security, confidentiality, and integrity of the personally identifiable information collected, stored, and maintained in DMV records and information systems for purposes of complying with the REAL ID Act. These safeguards must include procedures to prevent unauthorized access, use, or dissemination of applicant information and images of source documents retained pursuant to the Act and standards and procedures for document retention and destruction.

(ii) A privacy policy regarding the personally identifiable information collected and maintained by the DMV pursuant to the REAL ID Act.

(iii) Any release or use of personal information collected and maintained by the DMV pursuant to the REAL ID Act must comply with the requirements of the Driver's Privacy Protection Act, 18 U.S.C. 2721 *et seq.* State plans may go beyond these minimum privacy requirements to provide greater protection, and such protections are not subject to review by DHS for purposes of determining compliance with this Part.

(3) Document and physical security features for the card, consistent with the requirements of § 37.15, including a description of the State's use of biometrics, and the technical standard utilized, if any;

(4) Access control, including the following:

(i) Employee identification and credentialing, including access badges.

(ii) Employee background checks, in accordance with § 37.45 of this part.

(iii) Controlled access systems.

(5) Periodic training requirements in—

(i) Fraudulent document recognition training for all covered employees handling source documents or engaged in the issuance of driver's licenses and identification cards. The fraudulent document training program approved by AAMVA or other DHS approved method satisfies the requirement of this subsection.

(ii) Security awareness training, including threat identification and handling of SSI as necessary.

(6) Emergency/incident response plan;

(7) Internal audit controls;

(8) An affirmation that the State possesses both the authority and the means to produce, revise, expunge, and protect the confidentiality of REAL ID driver's licenses or identification cards issued in support of Federal, State, or local criminal justice agencies or similar programs that require special licensing or identification to safeguard persons or support their official duties. These procedures must be designed in coordination with the key requesting authorities to ensure that the procedures are effective and to prevent conflicting or inconsistent requests. In order to safeguard the identities of individuals, these procedures should not be discussed in the plan and States should make every effort to prevent disclosure to those without a need to know about either this confidential procedure or any substantive information that may compromise the confidentiality of these operations. The appropriate law enforcement official and United States Attorney should be notified of any action seeking information that could compromise Federal law enforcement interests.

(c) *Handling of Security Plan.* The Security Plan required by this section contains Sensitive Security Information (SSI) and must be handled and protected in accordance with 49 CFR Part 1520.

§ 37.43 Physical security of DMV production facilities.

(a) States must ensure the physical security of facilities where driver's licenses and identification cards are produced, and the security of document materials and papers from which driver's licenses and identification cards are produced or manufactured.

(b) States must describe the security of DMV facilities as part of their security plan, in accordance with § 37.41.

§ 37.45 Background checks for covered employees.

(a) *Scope.* States are required to subject persons who are involved in the manufacture or production of REAL ID driver's licenses and identification cards, or who have the ability to affect the identity information that appears on the driver's license or identification card, or current employees who will be assigned to such positions ("covered employees" or "covered positions"), to a background check. The background check must include, at a minimum, the validation of references from prior employment, a name-based and fingerprint-based criminal history records check, and employment eligibility verification otherwise required by law. States shall describe their background check process as part of their security plan, in accordance with § 37.41(b)(4)(ii). This section also applies to contractors utilized in covered positions.

(b) *Background checks.* States must ensure that any covered employee under paragraph (a) of this section is provided notice that he or she must undergo a background check and the contents of that check.

(1) *Criminal history records check.* States must conduct a name-based and fingerprint-based criminal history records check (CHRC) using, at a minimum, the FBI's National Crime Information Center (NCIC) and the Integrated Automated Fingerprint Identification (IAFIS) database and State repository records on each covered employee identified in paragraph (a) of this section, and determine if the covered employee has been convicted of any of the following disqualifying crimes:

(i) *Permanent disqualifying criminal offenses.* A covered employee has a permanent disqualifying offense if convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction, of any of the felonies set forth in 49 CFR 1572.103(a).

(ii) *Interim disqualifying criminal offenses.* The criminal offenses referenced in 49 CFR 1572.103(b) are disqualifying if the covered employee was either convicted of those offenses in a civilian or military jurisdiction, or admits having committed acts which constitute the essential elements of any of those criminal offenses within the seven years preceding the date of employment in the covered position; or the covered employee was released from incarceration for the crime within the five years preceding the date of employment in the covered position.

(iii) *Under want or warrant.* A covered employee who is wanted or under

indictment in any civilian or military jurisdiction for a felony referenced in this section is disqualified until the want or warrant is released.

(iv) *Determination of arrest status.* When a fingerprint-based check discloses an arrest for a disqualifying crime referenced in this section without indicating a disposition, the State must determine the disposition of the arrest.

(v) *Waiver.* The State may establish procedures to allow for a waiver of the requirements of paragraphs (b)(1)(ii) or (b)(1)(iv) of this section under circumstances determined by the State. These procedures can cover circumstances where the covered employee has been arrested, but no final disposition of the matter has been reached.

(2) *Employment eligibility status verification.* The State shall ensure it is fully in compliance with the requirements of section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) and its implementing regulations (8 CFR part 274A) with respect to each covered employee. The State is encouraged to participate in the USCIS E-Verify program (or any successor program) for employment eligibility verification.

(3) *Reference check.* Reference checks from prior employers are not required if the individual has been employed by the DMV for at least two consecutive years since May 11, 2006.

(4) *Disqualification.* If results of the State's CHRC reveal a permanent disqualifying criminal offense under paragraph (b)(1)(i) or an interim disqualifying criminal offense under paragraph (b)(1)(ii), the covered employee may not be employed in a position described in paragraph (a) of this section. An employee whose employment eligibility has not been verified as required by section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) and its implementing regulations (8 CFR part 274A) may not be employed in any position.

(c) *Appeal.* If a State determines that the results from the CHRC do not meet the standards of such check the State must so inform the employee of the determination to allow the individual an opportunity to appeal to the State or Federal government, as applicable.

(d) Background checks substantially similar to the requirements of this section that were conducted on existing employees on or after May 11, 2006 need not be re-conducted.

Subpart E—Procedures for Determining State Compliance

§ 37.51 Compliance—general requirements.

(a) *Full compliance.* To be in full compliance with the REAL ID Act of 2005, 49 U.S.C. 30301 note, States must meet the standards of subparts A through D or have a REAL ID program that DHS has determined to be comparable to the standards of subparts A through D. States certifying compliance with the REAL ID Act must follow the certification requirements described in § 37.55. States must be fully compliant with Subparts A through D on or before May 11, 2011. States must file the documentation required under § 37.55 at least 90 days prior to the effective date of full compliance.

(b) *Material compliance.* States must be in material compliance by January 1, 2010 to receive an additional extension until no later than May 10, 2011 as described in § 37.63. Benchmarks for material compliance are detailed in the Material Compliance Checklist found in DHS' Web site at <http://www.dhs.gov>.

§ 37.55 State certification documentation.

(a) States seeking DHS's determination that its program for issuing REAL ID driver's licenses and identification cards is meeting the requirements of this part (full compliance), must provide DHS with the following documents:

(1) A certification by the highest level Executive official in the State overseeing the DMV reading as follows:

"I, [name and title (name of certifying official), (position title) of the State (Commonwealth)] of _____, do hereby certify that the State (Commonwealth) has implemented a program for issuing driver's licenses and identification cards in compliance with the requirements of the REAL ID Act of 2005, as further defined in 6 CFR part 37, and intends to remain in compliance with these regulations."

(2) A letter from the Attorney General of the State confirming that the State has the legal authority to impose requirements necessary to meet the standards established by this part.

(3) A description of the State's exceptions process under § 37.11(h), and the State's waiver processes under § 37.45(b)(1)(v).

(4) The State's Security Plan under § 37.41.

(b) After DHS's final compliance determination, States shall recertify compliance with this Part every three years on a rolling basis as determined by DHS.

§ 37.59 DHS reviews of State compliance.

State REAL ID programs will be subject to DHS review to determine whether the State meets the requirements for compliance with this part.

(a) *General inspection authority.* States must cooperate with DHS's review of the State's compliance at any time. In addition, the State must:

(1) Provide any reasonable information pertinent to determining compliance with this part as requested by DHS;

(2) Permit DHS to conduct inspections of any and all sites associated with the enrollment of applicants and the production, manufacture, personalization and issuance of driver's licenses or identification cards; and

(3) Allow DHS to conduct interviews of the State's employees and contractors who are involved in the application and verification process, or the manufacture and production of driver's licenses or identification cards. DHS shall provide written notice to the State in advance of an inspection visit.

(b) *Preliminary DHS determination.* DHS shall review forms, conduct audits of States as necessary, and make a preliminary determination on whether the State has satisfied the requirements of this part within 45 days of receipt of the Material Compliance Checklist or State certification documentation of full compliance pursuant to § 37.55.

(1) If DHS determines that the State meets the benchmarks of the Material Compliance Checklist, DHS may grant the State an additional extension until no later than May 10, 2011.

(2) If DHS determines that the State meets the full requirements of subparts A through E, the Secretary shall make a final determination that the State is in compliance with the REAL ID Act.

(c) *State reply.* The State will have up to 30 calendar days to respond to the preliminary determination. The State's reply must explain what corrective action it either has implemented, or intends to implement, to correct any deficiencies cited in the preliminary determination or, alternatively, detail why the DHS preliminary determination is incorrect. Upon request by the State, an informal conference will be scheduled during this time.

(d) *Final DHS determination.* DHS will notify States of its final determination of State compliance with this Part, within 45 days of receipt of a State reply.

(e) *State's right to judicial review.* Any State aggrieved by an adverse decision under this section may seek judicial review under 5 U.S.C. Chapter 7.

§ 37.61 Results of compliance determination.

(a) A State shall be deemed in compliance with this part when DHS issues a determination that the State meets the requirements of this part.

(b) The Secretary will determine that a State is not in compliance with this part when it—

(1) Fails to submit a timely certification or request an extension as prescribed in this subpart; or

(2) Does not meet one or more of the standards of this part, as established in a determination by DHS under § 37.59.

§ 37.63 Extension of deadline.

(a) A State may request an initial extension by filing a request with the Secretary no later than March 31, 2008. In the absence of extraordinary circumstances, such an extension request will be deemed justified for a period lasting until, but not beyond, December 31, 2009. DHS shall notify a State of its acceptance of the State's request for initial extension within 45 days of receipt.

(b) States granted an initial extension may file a request for an additional extension until no later than May 10, 2011, by submitting a Material Compliance Checklist demonstrating material compliance, per § 37.51(b) with certain elements of subparts A through E as defined by DHS. Such additional extension request must be filed by October 11, 2009. DHS shall notify a State whether an additional extension has been granted within 45 days of receipt of the request and documents described above.

(c) Subsequent extensions, if any, will be at the discretion of the Secretary.

§ 37.65 Effect of failure to comply with this Part.

(a) Any driver's license or identification card issued by a State that DHS determines is not in compliance with this part is not acceptable as identification by Federal agencies for official purposes.

(b) Driver's licenses and identification cards issued by a State that has obtained an extension of the compliance date from DHS per § 37.51 are acceptable for official purposes until the end of the applicable enrollment period under § 37.5; or the State subsequently is found by DHS under this Subpart to not be in compliance.

(c) Driver's licenses and identification cards issued by a State that has been determined by DHS to be in material compliance and that are marked to identify that the licenses and cards are materially compliant will continue to be accepted by Federal agencies after the

expiration of the enrollment period under § 37.5, until the expiration date on the face of the document.

Subpart F—Driver's Licenses and Identification Cards Issued Under Section 202(d)(11) of the REAL ID Act

§ 37.71 Driver's licenses and identification cards issued under section 202(d)(11) of the REAL ID Act.

(a) Except as authorized in § 37.27, States that DHS determines are compliant with the REAL ID Act that

choose to also issue driver's licenses and identification cards that are not acceptable by Federal agencies for official purposes must ensure that such driver's licenses and identification cards—

(1) Clearly state on their face and in the machine readable zone that the card is not acceptable for official purposes; and

(2) Have a unique design or color indicator that clearly distinguishes them from driver's licenses and identification

cards that meet the standards of this part.

(b) DHS reserves the right to approve such designations, as necessary, during certification of compliance.

* * * * *

Issued in Washington, DC, on January 10, 2008.

Michael Chertoff,
Secretary.

[FR Doc. 08-140 Filed 1-28-08; 8:45 am]

BILLING CODE 4410-10-P

SB 202 – REAL ID

Senate Judiciary Committee

French, Huggins, McGuire, Wielechowski, Therriault

1:30 PM Wednesday, February 27, 2008

Beltz 211

Next Committees of Referral: Rules

House Version: HB 390- Scott Kawasaki. Referred to State Affairs and Finance (no hearing scheduled)

Invited to Give Testimony

Jason Dowell – Chair, Alaska Libertarian Party

Harley Brown - Vice Chair, Alaska Libertarian Party

Jim Harrison – Anchorage Attorney

Bill Scannell—Activist

Scott McMurren—Anchorage Travel Columnist

Jeffrey Mittman – Concerned citizen – (can't make it, but wrote letter)

Tim Peters – Citizens Against Real ID

Numerous Fairbanks Residents

Available if Needed

Jerry Luckhaupt – Drafter (3867)

Opponents of Real ID: A Partial List

The following organizations, either via official position papers or commentary, express at least some sense of objection to the implementation of the Real ID Act of 2005. As such, legislators can see that this opposition is a broad spectrum of the American people, and contains groups from both the "left" and "right" of political thought, as well as crossing partisan boundaries. When such a diverse collection of people stand united for or against any subject, it is a sure bet that the constituents in any given legislative district likewise hold strong and similar views. The Real ID Act is opposed by the vast majority of Americans. Even doing a web search for "Real ID Act" shows that for every supportiv e article there are nearly 500 opposed.

American Bar Association	Jews for Racial and Economic Justice, New York
American Civil Liberties Union	John Birch Society
American Conservative Union	Leadership Conference on Civil Rights
America: Freedom to Fascism	League of the South
American Friends Service Committee	Lutheran Social Ministries of NJ
American Jewish Committee, National	Liberty Coalition
American Policy Center	Mennonite Central Committee, Pennsylvania
Ancient Order of Hibernians	Mexican American Legal Defense and Educational Fund
Bill of Rights Defense Committee	National Association of Latino Appointed and Elected Officials
Catholic Charities, Hawaii	National Center on Domestic and Sexual Violence
Catholic Charities, West Virginia	National Coalition Against Domestic Violence
Catholic Charities Immigration Clinic, Mississippi	National Law Center on Homelessness & Poverty
Catholic Conference of Kentucky	National Organization for Women
Catholic Immigration Network, Massachusetts	National Taxpayers Union
Catholic Legal Immigration Services, Washington DC	Navaho United Methodist Center, New Mexico
Catholic Social Services, Alaska	Our Lady of Victory and Sacred Heart Churches, California
Center for American Progress	People For the American Way
Center for National Security Studies	Presbyterian Church (USA), Washington DC
Citizens Against Government Waste	Privacy Rights Clearinghouse
Competitive Enterprise Institute	Religious Action Center of Reform Judaism, National
Consumer Action	September 11 Families for Peaceful Tomorrows
Electronic Frontier Foundation	Sikh Coalition, NY
First Presbyterian Church, North Carolina	Southern Poverty Law Center
Florida Catholic Conference	Union for Reform Judaism, National
Gun Owners of America	United Methodist Children's Home, Alabama
Interfaith Refugee and Immigration Ministries Illinois	U.S. Bill of Rights Foundation
Jesuit Refugee Service	U.S. Committee for Refugees and Immigrants
Jewish Community Action, Minnesota	Washington Association of Churches, Washington
Jewish Labor Committee, National	
Jews for the Preservation of Firearms Ownership, Inc. (JPFO)	



Alaskans Working For Alaska!

1577 C Street, Suite 201, Anchorage, Alaska 99501 • Phone (907)277-5200 • Fax (907)277-5206

E-mail: aseahq@afscmelocal52.org • Website: www.afscmelocal52.org

February 26, 2008

Senator Hollis French, Chair
Senate Judiciary Committee
Alaska State Legislature
Juneau, Alaska 99811

RE: Senate Bill 202 – No State Funding for Federal Real ID Act Implementation.

Dear Chairman French,

On behalf of the over 8,000 members of ASEA/AFSCME Local 52, I am writing to express my support for passage of Senate Bill 202. I encourage you to support this legislation both in committee and on the Senate floor. Expeditious passage of SB 202 is extremely important to protect the privacy interests of all Alaskans. Passage of SB 202 will also tell the federal government that you want to protect the employment rights of the many hard working state employees who process Division of Motor Vehicle applications at every DMV office across the State of Alaska.

If adopted, this legislation would send a message that the State of Alaska won't accept mandates from the federal government which would require the State to spend additional funds to implement and mandates which can change the employment status for many hard working State of Alaska employees.

One of the mandates contained in the Federal Real ID Act, appears to require immediate termination of employees who fail to meet particular background checks. The State currently, prior to hiring and individual, does do a background check. Based on the information contained in the background check the State may proceed to hire the individual. The Real ID Act would require that employees be immediately terminated regardless of whether the state knew about a prior history and hired the employee with that knowledge. Under the federal act the ban is absolute, no grandfathering of existing employees. ASEA/AFSCME Local 52 is concerned that - long-term hard working employees could lose their jobs if the mandates contained in the Real ID Act are adopted by the State of Alaska.

Other states have taken a stance against implementation of the mandates contained in the federal Real ID Act. There may be other solutions that could satisfy the security concerns of the federal government without invading the privacy rights of each individual and mandating employee background requirements.

I encourage you and all members of the Alaska State Legislature, to take a stand against federal intrusion into Alaskans privacy rights by enacting SB 202. These intrusion are both personal

Senate Bill 202
February 26, 2008
Page 2 of 2

to the individual and intrusions into workplace personnel. Passage of SB 202 will send that message and stop the mandate.

If you have questions or need additional information, please contact me at the number above. You may also contact the ASEA/AFSCME Local 52 Legislative Lobbyist, Mr. Fate Putman, at 463-4949.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Duncan", with a long horizontal flourish extending to the right.

Jim Duncan, Business Manager
ASEA/AFSCME Local 52, AFL-CIO

Cindy Smith

From: Doug Wooliver [dwooliver@courts.state.ak.us]
Sent: Wednesday, March 19, 2008 12:54 PM
To: 'Peeples, Dwayne B (DOC)'; Cindy Smith; anne.carpeneti@alaska.gov; 'Svobodny, Richard (LAW)'; 'Fink, Joshua P (DOA)'; Steiner, Quinlan G (DOA)
Subject: Draft CSSB 234(JUD)

The difference between the assault IV, three-strikes provision in the original version of SB 234 and the provision in the draft amendment that I have seen is that the draft amendment takes out the fear assaults as predicate offenses and adds in sexual assault in the first and second degrees and sexual abuse of a minor in the first and second degree. The court system numbers showed that the original version of the bill would have resulted in roughly 550 new felony cases a year; the draft amendment would result in approximately 600 new felony cases a year. This number, like the earlier number, is conservative in a number of respects. I have gone with a conservative number to offset those assault IV convictions that were part of a case that included felony charges. Those cases would already have been in the superior court and thus would not significantly impact the court system.

I understand that the plan is to also make the three-strikes provision prospective. As with the latest version of HB 307, our eventual fiscal note will adopt the prospective formula reflected in the calculations from the DOC. Doug

2007 Montana Legislature
About Bill -- Links



HOUSE BILL NO. 287

INTRODUCED BY B. WISEMAN, COONEY, GALLIK, LANGE, PARKER, RICE, SALES, VILLA, WILLIAMS

AN ACT OPPOSING THE IMPLEMENTATION OF THE FEDERAL REAL ID ACT AND DIRECTING THE MONTANA DEPARTMENT OF JUSTICE NOT TO IMPLEMENT THE PROVISIONS OF THE FEDERAL ACT.

WHEREAS, in May 2005, the U.S. Congress enacted the REAL ID Act of 2005 (REAL ID Act) as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief Act (Public Law 109-13), which was signed by President Bush on May 11, 2005, and which becomes fully effective May 11, 2008; and

WHEREAS, some of the requirements of the REAL ID Act are that states shall:

(1) issue a driver's license or state identification card in a uniform format, containing uniform information, all as prescribed by the Department of Homeland Security;

(2) verify the issuance, validity, and completeness of all primary documents used to issue a driver's license, such as those showing that the bearer is a U.S. citizen or a lawful alien, a lawful refugee, or a person holding a valid visa;

(3) provide for secure storage of all primary documents that are used to issue a federally approved driver's license or state identification card;

(4) provide fraudulent document recognition training to all persons engaged in issuing driver's licenses or state identification cards; and

(5) issue a driver's license or state identification card in a prescribed format if it is a license or card that does not meet the criteria provided for a federally approved license or identification card; and

WHEREAS, use of the federal minimum standards for state driver's licenses and state-issued identification cards will be necessary for any type of federally regulated activity for which an identification card must be

displayed, including flying in a commercial airplane, making transactions with a federally licensed bank, entering a federal building, or making application for federally supported public assistance benefits, including Social Security; and

WHEREAS, some of the intended privacy requirements of the REAL ID Act, such as the use of common machine-readable technology and state maintenance of a database that can be shared with the United States and agencies of other states, may actually make it more likely that a federally required driver's license or state identification card, or the information about the bearer on which the license or card is based, will be stolen, sold, or otherwise used for purposes that were never intended or that are criminally related than if the REAL ID Act had not been enacted; and

WHEREAS, these potential breaches in privacy that could result directly from compliance with the REAL ID Act may violate the right to privacy, as secured by Article II, section 10, of the Montana Constitution, of thousands of residents of Montana; and

WHEREAS, the American Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures have estimated, in an impact analysis dated September 2006, that the cost to the states to implement the REAL ID Act will be more than \$11 billion over 5 years, and the Motor Vehicle Division of the Montana Department of Justice has estimated that the implementation of the REAL ID Act will cost Montana \$2,660,000 to fully implement the Act, none of which costs are or will be paid for by the federal government; and

WHEREAS, for all of these reasons, the American Association of Motor Vehicle Administrators, the National Governors' Association, and the National Conference of State Legislatures, in a letter dated March 17, 2005, to the majority and minority leaders of the U.S. Senate, opposed the adoption of the REAL ID Act, but the opposition of those groups, and the groups' request that Congress rely on driver's license security provisions already passed by Congress in the Intelligence Reform and Terrorism Prevention Act of 2004, was largely ignored by Congress; and

WHEREAS, the regulations that are to be adopted by the U.S. Department of Homeland Security to implement the requirements of the REAL ID Act have yet to be adopted and, in reality, will probably not become effective until the spring of 2007, effectively giving the states only 1 year in which to become familiar with the implementing regulations and comply with those regulations and the requirements of the REAL ID Act; and

WHEREAS, the mandate to the states, through federal legislation that provides no funding for its requirements, to issue what is, in effect, a national identification card appears to be an attempt to "commandeer" the political machinery of the states and to require them to be agents of the federal government, in violation of the principles of federalism contained in the 10th amendment to the U.S. Constitution, as construed by the United States Supreme Court in *New York v. United States*, 488 U.S. 1041 (1992), *United States v. Lopez*, 514 U.S. 549 (1995), and

Printz v. United States, 521 U.S. 898 (1997); and

WHEREAS, some states, or legislative bodies in some states, such as New Hampshire and Washington, have, through legislation, opposed the implementation of the REAL ID Act.

THEREFORE, the purpose of the Legislature in enacting [this act] is to refuse to implement the REAL ID Act and thereby protest the treatment by Congress and the President of the states as agents of the federal government and, by that protest, lead other state legislatures and Governors to reject the treatment by the federal government of the 50 states by the enactment of the REAL ID Act.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Legislative finding and direction to state agency not to implement REAL ID Act. (1) The legislature finds that the enactment into law by the U.S. congress of the REAL ID Act of 2005, as part of Public Law 109-13, is inimical to the security and well-being of the people of Montana, will cause unneeded expense and inconvenience to those people, and was adopted by the U.S. congress in violation of the principles of federalism contained in the 10th amendment to the U.S. constitution.

(2) The state of Montana will not participate in the implementation of the REAL ID Act of 2005. The department, including the motor vehicle division of the department, is directed not to implement the provisions of the REAL ID Act of 2005 and to report to the governor any attempt by agencies or agents of the U.S. department of homeland security to secure the implementation of the REAL ID Act of 2005 through the operations of that division and department.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 5, part 1, and the provisions of Title 61, chapter 5, part 1, apply to [section 1].

- END -

Latest Version of HB 287 (HB0287.ENR)

Processed for the Web on April 12, 2007 (12:57pm)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

[Status of this Bill](#) | [2007 Legislature](#) | [Leg. Branch Home](#)

[This bill in WP 5.1](#) | [All versions of all bills \(WP 5.1 format\)](#)

Authorized print version w/line numbers (PDF format)

[NEW SEARCH]

Prepared by Montana Legislative Services

(406) 444-3064

SUBSTITUTE SENATE BILL 5087

Passed Legislature - 2007 Regular Session

State of Washington

60th Legislature

2007 Regular Session

**By Senate Committee on Transportation (originally sponsored by
Senators Haugen, Swecker and Murray)**

READ FIRST TIME 01/31/07.

1 AN ACT Relating to compliance with the federal REAL ID Act of 2005;
2 adding a new section to chapter 43.41 RCW; and adding new sections to
3 chapter 46.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.41 RCW
6 to read as follows:

7 A state agency or program may not expend funds to implement or
8 comply with the REAL ID Act of 2005, P.L. 109-13, unless: (1) The
9 requirements of section 2 of this act are met; and (2) federal funds
10 are received by the state of Washington and are (a) allocated to fund
11 the implementation of the REAL ID Act of 2005 in the state, and (b) in
12 amounts sufficient to cover the costs of the state implementing or
13 complying with the REAL ID Act of 2005, as those costs are estimated by
14 the office of financial management. The director of the office of
15 financial management shall ensure compliance with this section.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
17 to read as follows:

18 Before issuing a driver's license or identicard that complies with

1 the requirements of the REAL ID Act of 2005, P.L. 109-13, and before
2 storing or including data about Washington state residents in any
3 database, records facility, or computer system for purposes of meeting
4 the requirements of the REAL ID Act of 2005, the department of
5 licensing shall certify that the driver's license, identicard,
6 database, records facility, computer system, and the department's
7 personnel screening and training procedures: (1) Include all
8 reasonable security measures to protect the privacy of Washington state
9 residents; (2) include all reasonable safeguards to protect against
10 unauthorized disclosure of data; and (3) do not place unreasonable
11 costs or recordkeeping burdens on a driver's license or identicard
12 applicant.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
14 to read as follows:

15 (1) The department of licensing and the office of financial
16 management may analyze the costs and burdens to the state of
17 Washington, and to applicants of drivers' licenses or identicards, of
18 complying with the requirements of the REAL ID Act of 2005, P.L. 109-
19 13, and any related federal regulations.

20 (2) The attorney general may, with approval of the governor,
21 challenge the legality or constitutionality of the REAL ID Act of 2005.

--- END ---

SB

211

1072

ALASKA COALITION ON HOUSING & HOMELESSNESS

February 1, 2008

Senator Hollis French
Chair, Senate Judiciary Committee
Via fax: 907-465-6595

My name is Suzi Pearson and I am the Chair for the Alaska Coalition on Housing and Homelessness. I am writing in support of SB211, introduced by Senator Bettye Davis. This bill would make an attack on a homeless person classed as a hate crime.

Other states have enacted legislation or are preparing legislation to make attacks on a homeless person classed as a hate crime; several have passed with unanimous support from the house and senate. By enacting this legislation, Alaska will be among the front runners who have adopted this legislation.

According to a study of violence against homeless people by the National Coalition for the Homeless (NCH) over a seven year period there were 472 violent acts committed against homeless people, of which 35.8% were deaths. Homeless people are often reluctant to report these attacks because of a fear of the stigmas attached to being homeless and past treatment by law enforcement, medical professionals and community members.

In an article by Michael Stoops from NCH, he states, "There is a documented relationship between increased police actions that criminalize homelessness and the rising number of hate crimes and violent acts against homeless people. It appears that violent citizens become emboldened to attack homeless people because their city has responded negatively to the homeless population. Advocates from around the country have cited the relationship between municipal laws to banish or restrict visibility of homeless people and hate crimes and violence."

Homeless individuals are among some of the most vulnerable populations, often experiencing mental illness, disabilities, and hunger, which make them too weak to defend themselves. Alaska has already experienced violence targeting homeless people. In one instance a group of teenage boys shot a homeless man with a paintball gun.

PO Box 200862
Anchorage, AK 99520

PHONE (907) 743-5726
FAX (907) suzi_p@awalc.org
WEB SITE

Enacting this legislation sends a message to Alaska's communities that we are a state that cares about all of our citizens and that we will not marginalize or continue to stigmatize those experiencing homelessness.

By supporting this legislation you are adding your voice to the thousands in this state saying that all of Alaskans citizens should be treated with dignity and respect.

I appreciate your serious consider of this legislation.

Sincerely,

Suzi Pearson
Chair

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
Anchorage, AK 99501
Phone: (907) 269-0144
Fax: (907) 269-0148



Session: (Jan - May)
State Capitol, Suite 7
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Toll free: (800) 770-3822

Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

Memorandum

To: Senator French, Judiciary Chair

From: Bettye Davis
Senator

Date: January 24, 2008

RE: SB 211 Request for Hearing

Included are SB 211 and the Sponsor Statement for SB211. We are requesting a hearing as soon as possible. In addition, George Briggs, the executive director of the Glory Hole is interested in testifying.

Thank you.

Bettye Davis

Alaska State Legislature

Interim: (May - Dec.)
716 W. 4th Ave
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Senator Bettye Davis@legis.state.ak.us
<http://www.akdemocrats.org>

Senator Bettye Davis

SB 211 "An Act relating to an aggravating factor at sentencing for crimes directed at a victim because of the victim's homelessness."

Sponsor Statement

SB 211 allows the court to increase the active term of imprisonment for felonies up to the maximum term of imprisonment, even for a first offense, for factors in aggravation. Current sentencing provisions allow imposition of a sentence above the presumption range set out in AS 12.55.125 based race, sex, color, creed, physical or mental disability, ancestry, or national origin as set out in AS 12.55.155(c)(2). SB 211 adds "**homelessness**" as an aggravating factor to this section.

The purpose of this statute is to deter and punish defendants motivated to harm homeless people who are particularly vulnerable and increasingly targets of crime. Violent crimes against the homeless increased 65% from 2005-2006, according to a 2006 report by the National Coalition for the Homeless. The 2006 numbers reflect a 170 percent increase since the organization's first study in 1999. This national trend is reflected in the more than 14,000 individuals who experience homelessness in Alaska each year, according to the 2005 Alaska Interagency Council on Homelessness report, "Keeping Alaskans Out of the Cold." This violence against the homeless has a direct impact on the victim, the victim's family, the community, and Alaska as a whole.

BOSS Community



Organizing Team

Street Spirit September 2005

Alarming Rise in Hate Crimes Against Homeless People in United States

by Michael Stoops, National Coalition for the Homeless

Over the past six years, advocates and homeless shelter workers from around the country have seen an alarming increase in reports of homeless men, women and even children being killed, beaten and harassed. The violent attacks and murders are often directed against people precisely because they are homeless, and thus constitute hate crimes.

On May 28, 2005, Michael Roberts, age 53, was beaten to death with sticks and logs by a group of teenagers who admitted to beating the homeless man just for fun. The autopsy report indicates that Roberts died of blunt-force trauma to the head and body, and suffered a fractured skull, broken ribs, badly injured legs and defensive wounds on his hands. The teens returned several times to make sure the job was done.

In September of 2004, three Milwaukee teens murdered a homeless man at his forest campsite. The teens hit 49-year-old Rex Baum with rocks, a flashlight, a bat and a pipe, then smeared feces on his face. They continued beating Baum until they thought he was dead. One of the boys "hit the victim one last time to see if he would make a sound like in Grand Theft Auto," then cut him twice with a knife to make sure he was dead. They covered his body with plastic and rocks, hoping animals would eat him before the body was discovered.

In August 2004, Curtis Gordon Adams, 33, beat and stabbed a disabled homeless man to death, and then licked the blood from his fingers on a Denver sidewalk.

In June 2004, two New York City teens kicked, punched, and finally bludgeoned 51-year-old William Pearson to death in a churchyard. Pearson crawled to the church steps before finally dying of a fractured skull. "His head was a bloody mess," one police officer noted.



Sadly, these gruesome accounts are only a few of many recent assaults and murders which demonstrate the hatred, prejudice and senseless violence faced by many of our country's homeless citizens.

Over the six-year period from 1999-2004, the National Coalition for the Homeless documented 156 murders and 366 violent acts against homeless individuals. The violent attacks occurred in 140 cities in 39 states in the United States. The homeless victims ranged in age from a four-month-old infant to a 74-year-old man.

This year's annual report on hate crimes by the National Coalition for the Homeless (NCH) is published in full in this issue of Street Spirit. [See "Hate, Violence and Death on Main Street USA."] The NCH report carefully documents 105 hate crimes and violent acts that occurred in 2004, collected from newspapers and reports across the country. This report shows the geographical extent and the sheer savagery of this wave of hate crimes against the homeless.

Yet many of these violent acts go unpublicized or unreported, making it difficult to assess the true magnitude of the problem. Often, homeless people do not report crimes committed against them because of mental health issues, substance abuse, fear of retaliation, or frustration with the police. Some cases were also omitted because the victims were found beaten to death, but no suspects could be identified. In addition, this report does not take into account the large number of sexual assaults, especially against homeless women.

Link between hate crimes and laws that criminalize homelessness

There is a documented relationship between increased police actions that criminalize homelessness and the rising number of hate crimes and violent acts against homeless people.

It appears that violent citizens become emboldened to attack homeless people because their city has responded negatively to the homeless population. These violent attacks occur especially where the city has portrayed homeless people as the cause of unemployment, decreasing property values, vacant storefronts or other problems.

Advocates from around the country have cited the relationship between municipal laws to banish or restrict visibility of homeless people and hate crimes and violence. This overly broad enforcement of the laws passed by city governments specifically targeting homeless people are documented in NCH's *Illegal to Be Homeless: The Criminalization of Homelessness in the U.S.*

This survey of cities and states that violate the civil rights of homeless people concluded that California is the "meanest" state in the nation for poor and homeless people, followed by Florida, Hawaii and Texas. The NCH study also ranked four California cities as among the top 20 "meanest cities" in the nation for violating the human rights of homeless people: Berkeley, San Francisco, Fresno and Los Angeles. [See "California Named as Meanest State in the Nation," Street Spirit, December 2004.]

What is a hate crime?

The term "hate crime" generally conjures up images of cross burnings and lynchings, swastikas on Jewish synagogues, and horrific murders of gays and lesbians. Hate crimes are commonly called bias-motivated crimes, referring to the prejudice of the perpetrator against the victim's real or perceived grouping or circumstance. Most hate crimes are committed not by organized hate groups, but by individual citizens who harbor a strong resentment against a certain group of people.

In 1968, the U.S. Congress defined a hate crime, under federal law, as a crime in which the defendant intentionally selects a victim because of their race, color or national origin.

In recent years, federal bias crime laws have been enacted to provide expanded coverage. The Hate Crimes Statistics Act of 1990 mandates the Justice Department to collect data from law enforcement agencies about "crimes that manifest evidence of prejudice based upon race, religion, sexual orientation, or ethnicity."

The Hate Crimes Sentencing Enhancement Act, enacted in 1994, defines a hate crime as a crime in which the victim is intentionally chosen "because of the actual or perceived race, color, national origin, ethnicity, gender, disability, or sexual orientation of any person." This measure only applies to, among other things, attacks and vandalism that occur in national parks and on federal property.

The most recent legislation, Local Law Enforcement Hate Crimes Prevention Act of 2005, was introduced in the U.S. House (H.R. 2662) and U.S. Senate (S. 1145) in the 109th Congress. This legislation "authorizes the Attorney General to provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or prosecution of any crime that: (1) constitutes a crime of violence under Federal law or a felony under State or Indian tribal law; and (2) is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim or is a violation of the hate crimes laws of the State or tribe."

Hate Crime laws do not protect homeless people

There is currently no federal criminal prohibition against violent crimes directed at individuals because of their housing status, poverty or homelessness. The NCH aims to include housing status in the Local Law Enforcement Hate Crimes Prevention Act of 2005 (H.R. 2662 and S. 1445) and in future pieces of legislation.

H.R. 2662 and S. 1445 have broad bipartisan support, but through the inclusion of housing status, hate crimes and violent acts toward people experiencing homelessness will be more appropriately handled and prosecuted. Also, if victims know that a system is in place to prosecute such crimes, they are more likely to come forward to report these crimes.

People who are forced to live and sleep on the streets for lack of an appropriate alternative are in an extremely vulnerable situation, and it is unacceptable that hate crime prevention laws do not protect them.

Recommendations for Action on Hate Crimes

The National Coalition for the Homeless recommends that the following actions be taken to address the rising number of hate crimes committed against homeless people.

1. A public statement by the U.S. Justice Department acknowledging that hate crimes and violence against people experiencing homelessness is a serious national trend.
2. The Justice Department would issue guidelines for local police on how to investigate and work with people experiencing homelessness based on recommendations from the National Coalition for the Homeless. The Justice Department would recommend improvements to state law on how to better protect against violence directed against people experiencing homelessness, including tougher penalties.
3. A database to be maintained by the U.S. Department of Justice, in cooperation with the National Coalition for the Homeless, to track hate crimes and/or violence against people experiencing homelessness.
4. Inclusion of housing status in the pending state and federal hate crimes legislation. The pending federal bill is the Local Law Enforcement Hate Crimes Prevention Act of 2005 (H.R. 2662 in the House; S. 1145 in the U.S. Senate -- 109th Congress).
5. Sensitivity/Awareness training at police academies and departments nationwide for trainees and police officers on how to deal effectively and humanely with people experiencing homelessness in their communities.
6. A U.S. Government Accountability Office (GAO) study into the nature and scope of hate crimes and/or violent acts and crimes that occur against people experiencing homelessness. This proposed study will address the following:
 - a. Causes of hate crimes/violence.
 - b. Circumstances that contribute to or were responsible for the perpetrators' behavior.
 - c. Beliefs held by the perpetrators of these crimes and how their beliefs have changed since conviction.
 - d. Thoughts and advice from the perpetrators to others who are considering hate crimes/violence against the homeless population.
 - e. Community education, prevention and law enforcement strategies.

For more information about hate crimes against homeless people, contact:

Michael Stoops
National Coalition for the Homeless
2201 P St. NW
Washington, DC 20037-1033

Phone: (202) 462-4822 ext. 19
Email: mstoops@nationalhomeless.org
Web: www.nationalhomeless.org/hatecrimes/signon.html

STREET SPIRIT
1515 Webster St, #303
Oakland, CA 94612 Phone: (510) 238-8080, ext. 303
email: spirit@afsc.org

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2065 Kittredge Street, Suite E Berkeley, CA 94704 | phone: (510) 649-1930 | fax: (510) 649-0627 | staff@createpeaceathome.org

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The Office of the Governor
SARAH PALIN



The Day of the Homeless Youth

WHEREAS, more than five percent of youths in America - over 1 million - will experience homelessness this year. It is hard enough to experience family homelessness but unaccompanied young people, ages 15 to 21 years old, are especially vulnerable to the danger of living on the streets and in the severity of our arctic climate.

WHEREAS, in Alaska, every hour a report of abuse or neglect is filed; every eight hours a baby is born to a teenage mother; every day five kids in Anchorage are reported as runaway.

WHEREAS, since opening in 1988, Covenant House Alaska has provided food, shelter, clothing, crisis counseling, and outreach to more than 17,000 of Alaska's homeless, runaway, and at-risk youth. Last year, more than 2,600 youths sought refuge at Covenant House Alaska.

WHEREAS, the 2007 Covenant House International Candlelight Vigil for Homeless Youth will take place on Thursday, November 15 in 18 cities throughout North and Central America. The Covenant House Candlelight Vigil for Homeless Youth, now in its 17th year, coincides with National Hunger and Homelessness Awareness Week (November 11-17).

WHEREAS, the event will bring together thousands of supporters who want to create greater awareness for the plight of homeless young people. Covenant House, which sponsors the annual event, is the largest privately funded agency in the Americas providing crucial services such as shelter, counseling, transitional living, health services, and educational/vocational training to homeless and runaway youths under 21 years of age.

WHEREAS, all donations, funding, or volunteer support generated by this Call to Action during the day of November 15, will benefit the estimated 5,000 homeless kids in Anchorage.

NOW, THEREFORE, I, Sarah Palin, Governor of the State of Alaska, do hereby proclaim November 15, 2007, as:

The Day of the Homeless Youth

in Alaska, and encourage the citizens and businesses of Alaska to join in supporting Covenant House Alaska's Candlelight Vigil from 6 p.m. to 7 p.m. in Anchorage's Town Square.

Dated: October 22, 2007

Printed on 1/23/08 at 12:45:36 PM by 146.63.202.66

Vets reach out to homeless brothers



"Homeless Bill," a former U.S. Marine
(Dan Carpenter/KTUU-TV)

by Sean Doogan
Thursday, Nov. 22, 2007

ANCHORAGE, Alaska -- Whether in peace or at war, America's veterans hold a special place in society. For too many, that place is on the streets.

More than 25 percent of all homeless in this country are veterans. At more than 200,000 strong, homeless veterans outnumber the troops we currently have deployed to Iraq and Afghanistan.



Butler gives Bill some warm clothes.
(Dan Carpenter/KTUU-TV)

Thanksgiving for one American veteran is an outdoor affair.

"They call me Homeless Bill," he says.

Bill, a former U.S. Marine, says he has been living on the streets and in the woods for fifteen years. Bill says he is not alone.

"There are people out here all over in the woods," Bill says. "There's about 8,000 people homeless in this town right here you just don't see them all the time. Any patch of woods you go into, if you start a barbeque boom here they all come."



Vets Helping Vets member Jerry Butler
(Dan Carpenter/KTUU-TV)

As a veteran, Bill has more help than many out there.

Jerry Butler and members of the local group, Vets Helping Vets, are in the same woods as Homeless Bill, handing out clothing, food and blankets.

Members of the organization collected from people doing their holiday shopping last weekend.

Even as they help Bill into some warmer clothing, members of Vets Helping Vets say they know the aid enables people like Bill to remain homeless.

"I'm keeping him alive," Butler says.

Bill knows that's the truth. He says he knows about programs to get him off the streets, but he'd rather do his own thing for now.

But Jerry Butler says Bill's is a story whose ending has not yet been written and that by helping now he will be in a position to really help out when the time is right.

"I want to be there when they say, 'I can't handle it anymore,'" Butler said. "I want to be there and be the brother and the friend I'm supposed to be."

Contact Sean Doogan at sdoogan@ktuu.com

State of Alaska

Office of Boards and Commissions Roster

HOMELESS COUNCIL (217)

Member	Date Appointed	Reappointed	Term Expires
<p>Colleen Bickford US HUD Alaska Director US Dept. of Housing and Urban Development 3000 C Street, Suite 401 Anchorage, AK 99503</p>	4/30/2004		
<p>Craig E. Campbell Commissioner/Adjutant General/Military & Veterans Affairs/Designee Department of Military and Veteran Affairs P.O. Box 5800 Fort Richardson, AK 99505-5800</p>	4/30/2004		
<p>Mark R. Davis, Esq. Commissioner/DCCED/Designee DCCED Banking and Securities 550 West Seventh Avenue, Suite 1770 Anchorage, AK 99501</p>	1/18/2007		
<p>Daniel R. Fauske Executive Director/Chair Alaska Housing Finance Corporation P.O. Box 101020 Anchorage, AK 99510-1020</p>	4/30/2004		
<p>Karleen K. Jackson Commissioner/Health & Social Services/Designee Department of Health and Social Services P.O. Box 110601 Juneau, AK 99811-0601</p>	6/2/2004		
<p>Jeff Jessee Homeless & Special Needs Housing Programs Alaska Mental Health Trust Authority 550 West Seventh Avenue, Suite 1820 Anchorage, AK 99501</p>	4/30/2004		
<p>Tara Jollie Commissioner/Labor & Workforce Development/Designee Department of Labor 1016 West Sixth Avenue, Suite 205 Anchorage, AK 99501</p>	2/28/2007		

Walt Monegan 12/4/2007
Commissioner/Public Safety/Designee
Department of Public Safety
P.O. Box 111200
Juneau, AK 99811

Sean Parnell 12/4/2006
Lt. Governor/Designee
State of Alaska
P.O. Box 110015
Juneau, AK 99811

Roger L. Sampson, Ph.D. 4/30/2004
Commissioner/Education & Early Dev/Designee
Education and Early Development
801 West Tenth Street, Suite 200
Juneau, AK 99801-1894

Joseph Schmidt 12/4/2006
Commissioner/Corrections/Designee
Department of Corrections
P.O. Box 112000
Juneau, AK 99811

Leo von Scheben, Jr., P.E., L.S. 2/1/2007
Commissioner/Transportation & Public Facilities/Designee
Department of Transportation
3132 Channel Drive
Juneau, AK 99811-2500

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This page is located on the U.S. Department of Housing and Urban Development's Homes and Communities Web site at <http://www.hud.gov/local/ak/homeless/shelters.cfm>.



Emergency Shelters and Transitional Housing: Alaska

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- ▶ Emergency shelters
- ▶ Transitional housing

Emergency Shelters

Anchorage Area

Shelter Provider	Phone Number	Type of Clients Served
Anchorage Rescue Mission 2823 Tudor Road Anchorage	563-5603	singles only
AWAIC 100 W. 13th Avenue Anchorage	279-0100 (crisis) 279-9581 (office)	abused women and children
Alaska Youth & Parent Foundation (AYPF) Runaway Shelter	274-6541	runaway teens
Brother Francis Shelter 1021 E. 3rd Avenue Anchorage	277-1731	singles only
Clare House 420 W. 54th Avenue Anchorage	563-4545	pregnant women and women with children
Covenant House 750 West 5th Avenue Anchorage	272-1255	teens up to 21 years
Intermission 3745 Community Park Loop Anchorage	274-6541	24-hour crisis care for children, birth to 12 years
Salvation Army McKinnel Shelter 546 E. 15th Avenue Anchorage	276-1609	two-parent families and single men with children

Transitional Housing

Anchorage Area

Provider	Phone Number	Contact Person
Abbott Loop Community Chapel 2626 Abbott Road Anchorage	349-9641	
Anchorage Community Mental Health Services (ACNHS) 2735 East Tudor Road Anchorage	563-1000 office 258-4512 Crossover House	Jeff Duncan Shannon Wilkes
ARC of Anchorage 2211-A Arca Drive	277-6677	MGwendolyn Lee

Anchorage

Covenant House of Alaska
750 West 5th Avenue
Anchorage

258-4237

Deirdre A. Cronin

Four A's (Alaskan AIDS Assistance Association)
1057 W. Fireweed Lane, Suite 102
Anchorage

263-2050

Trevor Storrs

Mental Health and Development Disabilities, State
of Alaska
801 East Tudor Road, Suite 260
Anchorage

(907) 465-3370
269-3600
465-3371

Fairbanks Area

Interior Aids Association (for rental assistance)
710 3rd Avenue
Fairbanks

(907) 452-4222

Anna Nelson

Kenai-Soldotna Area

Central Peninsula Community Mental Health
506 Lake Street
Kenai

(907) 283-7501

Ted Schiffman

Mat-Su Valley Area

Behavioral Healthn Services of MatSu
1363 W. Spruce Avenue
Wasilla

(907) 376-2411

Content current as of January 1, 2008

U.S. Department of Housing and Urban Development
451 7th Street, S.W., Washington, DC 20410
Telephone: (202) 708-1112 [Find the address of a HUD office near you](#)

Anchorage

Mobile Food Pantry Schedule

Agency	Area	Phone	Additional Info	Hours
1st Samoan Congregational Christian Church 2563 E. 58th Avenue	South	229-7244		2nd Sat. of the month, call first
1st Samoan Star of the Bright 300 Klevin Street	Muldoon	230-9839		Call first
Abbott Loop Community Church Give & Take Cache 2626 Abbott Road	South	349-2005		T - 6:00 - 8:00 pm Th - 9:30 - 11:30 am
Anchor-Age Senior Center (TEFAP & CSFP) 1300 E. 19th Avenue	Fairview	258-7823	Seniors only	CSFP/TEFAP - 1st Monday 10:00 am - Noon
Anchorage Community SDA 2600 E. 16th Avenue	East	277-7740		2nd & 4th Wednesday 5:30 - 8:30 pm
Anchorage First Free Methodist 4607 E. 6th Street	East	333-6085		Jrd Saturday 10:00 am - Noon
Anchorage Vineyard Church 1800 W. 48th, Suite G	Spenard	248-8463	4th Sat. serve breakfast starting at 9:00 a.m.	4th Sat. 9:00 - 11:00 am
Armed Services YMCA Bldg 655 on Ft. Richardson	Bases - Air Force and Army	384-9622	Military	Varies
Bean's Café 1021 E 3rd	Downtown - Post Road	274-9595	Soup Kitchen	Breakfast 8 am Daily meal 11:30 am - 1:30 pm
Chugiak/ER Food Pantry Eagle River Presbyterian Church 12836 Old Glenn Highway	Eagle River	694-4518	Eagle River, Chugiak, Eklutna residents only	M,W,F 10:30 am -12:30 pm 2nd & 4th Tues 6:00 -7:30 pm
Chugiak Senior Center 22424 N. Birchwood Loop Rd.	Chugiak	688-2677		M-F Lunch 11 am - 1 pm Meals on Wheels
Diamond Jewel Church of God	South	344-0469		Call, between 1:00 - 3:00pm
Downtown Soup Kitchen 434 E 4th Ave	Downtown	277-4302	Soup Kitchen	M-F 11:30 am - 1:00 pm
Eagle River Church of God 17108 Hanson Drive	Eagle River	694-9395		T,W,F 10:00 am - 1:00 pm TH Noon - 3:00 pm
F.I.S.H.	City-wide	277-0818	Deliveries only	Call M,W,F before 8:00 am
Family Food Cache 1540 C Street	Fairview	276-1115		2nd and 4th Friday 11:00 am -12:30 pm
GGHT Ministries 12801 Old Seward Highway	South	561-8129	Call to confirm time	Wednesday 7:00 - 9:00pm
Latino Lion's Club (CSFP & TEFAP) 4233 Mtn. View	Mt. View	561-3680		3rd Sat - 10:00 am - Noon CSFP - 4th Sat
Lutheran Social Services (TEFAP & CSFP) 1801 W. 48th Avenue	Spenard	243-0316		T,TH,F 1:00 - 4:00 pm W, 5:30 -7:00 pm
MLK Shiloh Food Pantry (TEFAP) 1928 Juneau	Fairview	278-6673	Proof of need	Sat., 8:00 -10:00 am
Mabel T. Caverly Senior Center (CSFP for Seniors only) 325 E. Third Avenue	Downtown	278-1496	Seniors only	4th. Wed.
New Hope on the Last Frontier 13th and E Street	Downtown/Fairview	274-2745		Tuesday 10:00 am - 3:00 pm
S/A Older Alaskans Program (CSFP & Meals on Wheels) 401 W. Int'l Airport Road	City-wide	349-0613	Seniors only meals	
Salvation Army Family Emergency Services 1712 C Street	Midtown	277-2593		M,T,TH,F 9:00 - 11:30am and 1:00 - 3:00 pm
Southcentral Foundation Leaders Program (CSFP) 6901 E. Tudor #8	City-wide	729-6500	Natives only	CSFP deliveries only
Spenard Lions (TEFAP) 2108 Roosevelt Drive	Spenard	248-0832		2nd Sat 10:00 am - 12:00 pm
St. Francis House Catholic Social Services 3710 E. 20th Avenue	East	278-5590		M,T,Th Noon - 3:00 pm W, 10:00 am - 1:00

St. Paul Evangelical CME Church
3512 Robin Street

East

272-6472

pm
Last Wed. of month
6:00 - 8:30 pm

Phone: 251-694-6472

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ALASKA - SHELTERS

Alaska Youth & Parent Foundation Runaway Shelter

Address Not Available

Phone: 907-333-2973

Anchorage Gospel

2823 East Tudor Road

Anchorage, AK 99507

Phone: 907-563-5603

FAX: 907-563-3863

Downtown Soup Kitchen

430 East Fourth Avenue

Anchorage, AK 99501-2622

Phone: 907-277-4302

Fairbanks Rescue Mission

723 27th Avenue

Fairbanks, AK 99701

Charles E. Swanson, Executive Director charles@fairbanksrescuemission.org

Phone: 907-452-5343

FAX: 907-451-7058

Nome Rescue Mission

277 Front Street

Nome, Alaska 99752

Phone: 907-443-7128

FAX: 907-443-7446

Salvation Army McKinnel Shelter

564 E. 15th Avenue

Anchorage, AK 99501

Phone: 907-276-1609

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ARIZONA - SHELTERS

Arizona Coalition to End Homelessness

1735 Grand Avenue

Phoenix, AZ 85007-1801

Phone: 602-340-9393

Bread of Life Mission of Holbrook

111 W. Carlos Avenue

Holbrook, AZ 86025

Phone: 520-524-9393

Brewster Center for Victims of Family Violence

2711 E. Broadway

Tucson, AZ 85716

SB

226



Alaska

February 10, 2008

The Honorable Hollis French
State Capitol Building
Juneau, Alaska 99801-1182

RE: Senate Bill 226 – Vexatious Litigants

Dear Senator French,

On behalf of the National Federation of Independent Business/Alaska, I wish to express our support for Senate Bill 226. The National Federation of Independent Business is the largest small-business advocacy group in the state.

A person who, among other things, repeatedly litigates the same claims or previous adverse decisions against the same parties, files multiple frivolous lawsuits, repeatedly files pleadings or motions that are frivolous or in bad faith, or repeatedly engages in tactics that are without merit or intended to cause unnecessary delay simply drives up unnecessary costs for defendants. Eliminating inappropriate and costly litigation is strongly supported by the members of NFIB.

This bill allows the court to impose reasonable restrictions on vexatious litigants' access to the court. Under SB 226 a court can require conditions, such as the posting of security or prefiling review of a complaint by a presiding judge, before an action filed by a vexatious litigant can proceed. Several states have passed similar legislation to control the problem of vexatious litigation.

Vexatious litigation needlessly burdens the resources of the court system, and creates unnecessary expense for individuals who are the target of this litigation in the public and private sectors. This bill will provide means for screening out extreme examples of meritless cases before they are filed.

We appreciate you sponsoring this important legislation.

Sincerely yours,


Dennis DeWitt
Alaska State Director

Alaska State Legislature



Senator Hollis French

Sponsor Statement

Senate Bill 226 - Vexatious Litigants

SB 226 creates a process in statute for courts to manage the problem of lawsuits brought by individuals who are "vexatious litigants."

A vexatious litigant is defined as a person who, among other things, repeatedly litigates the same claims or previous adverse decisions against the same parties, files multiple frivolous lawsuits, repeatedly files pleadings or motions that are frivolous or in bad faith, or repeatedly engages in tactics that are without merit or intended to cause unnecessary delay.

This bill allows the court to impose reasonable restrictions on vexatious litigants' access to the court. Under SB 226 a court can require conditions, such as the posting of security or prefiling review of a complaint by a presiding judge, before an action filed by a vexatious litigant can proceed. Several states have passed similar legislation to control the problem of vexatious litigation. The provisions in this bill are based on California's Code of Civil Procedure.

Vexatious litigation needlessly burdens the resources of the court system, and creates unnecessary expense for individuals who are the target of this litigation in the public and private sectors. It is certainly important to recognize and protect the individual's right to litigate claims in our court system. SB 226 will only affect those few cases that are clearly without merit. This bill will provide means for screening out extreme examples of meritless cases before they are filed. Please join me in supporting SB 226.

American Law Reports ALR6th
The ALR databases are made current by the weekly addition of relevant new cases.

(This annotation has not been released for publication in ALR and is subject to revision or withdrawal).

Validity, Construction, and Application of State Vexatious Litigant Statutes

Robin Miller, J.D.

A state vexatious litigant statute permits restrictions on access to the courts by a litigant judicially determined to be vexatious, at least when the litigant is proceeding pro se. The purpose of such a statute is to prevent abuse of the judicial system by those persons who persistently and habitually file lawsuits without reasonable grounds, or who otherwise engage in frivolous conduct in the courts. These statutes have been consistently upheld by the courts. For example, in Wolfe v. George, 385 F. Supp. 2d 1004 (N.D. Cal. 2005), the court held that: (1) the California vexatious litigant statute does not violate litigants' rights to petition for redress of grievances, procedural due process, equal protection, or protection from double jeopardy; (2) the statute is not unconstitutionally vague or overbroad; (3) the statute does not impose an excessive fine or constitute an ex post facto law or a bill of attainder; and (4) the statute does not violate the Supremacy Clause of the U.S. Constitution. This annotation collects and analyzes the federal and state cases discussing the validity, construction, and application of state vexatious litigant statutes.

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