



Legislation Text

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By the Public Advocate (Mr. Williams) and Council Members Powers, Hudson, Louis, Brewer, Farías, Restler, Rivera, Krishnan, Williams, Avilés, Hanif, Narcisse, Ossé, Banks, Ayala and Marte (by request of the Bronx Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to the application for New York city identity cards by incarcerated persons

Be it enacted by the Council as follows:

Section 1. Paragraph (2) of subdivision b of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

(2) The administering agency shall designate access sites, including at least one site located within each of the five boroughs of the city of New York, where applications for such card shall be made available for pick-up and submission. The administering agency shall also designate access sites at each city correctional facility. The administering agency shall also make applications available online.

§ 2. Paragraph (1) of subdivision c of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

(1) The New York city identity card shall display, at a minimum, the cardholder's photograph, name, date of birth, address, and an expiration date, provided that the administering agency may by rule establish procedures to protect the addresses of victims of domestic violence or provide alternate requirements for applicants who lack a permanent address including incarcerated persons residing in a city correctional facility as described in subdivision d of section 9-128. Such card shall [also], at the cardholder's option, display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud.

§ 3. Paragraph (1) of subdivision d of section 3-115 of the administrative code of the city of New York,

as added by local law number 35 for the year 2014, is amended to read as follows:

(1) Proof of identity. [In order to establish identity, an] An applicant shall be required to establish identity. The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph and may require that an applicant produce one or more of the following documents:

(i) a U.S. or foreign passport;

(ii) a U.S. state driver's license;

(iii) a U.S. state identification card;

(iv) a U.S. permanent resident card;

(v) a consular identification card;

(vi) a photo identification card with name, address, date of birth[,] and expiration date issued by another country to its citizens or nationals as an alternative to a passport for re-entry to the issuing country;

(vii) a certified copy of U.S. or foreign birth certificate;

(viii) a Social Security card;

(ix) a national identification card with photo, name, address, date of birth[,] and expiration date;

(x) a foreign driver's license;

(xi) a U.S. or foreign military identification card;

(xii) a current visa issued by a government agency;

(xiii) a U.S. individual taxpayer identification number (ITIN) authorization letter;

(xiv) an electronic benefit transfer (EBT) card; [or]

(xv) a book and case number, or New York state identification number utilized by the department of criminal justice services, assigned to any person incarcerated in a city correctional facility; or

(xvi) any other documentation that the administering agency deems acceptable. [The administering agency may by rule determine the weight to be given to each type of document provided in this paragraph, and require that an applicant produce more than one document to establish identity.]

§ 4. Section 9-128 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The department of correction shall provide eligible incarcerated persons the opportunity to apply for a New York city identity card issued pursuant to section 3-115 and shall provide notice of such opportunity and necessary assistance in completing such applications, including providing written documentation of the incarcerated person's book and case identification number or New York state identification number for identification purposes, a photo of the incarcerated person to submit with the application and a letter stating that the incarcerated person has resided in the city of New York for at least 15 days and lacks a home address, if applicable. Such eligible incarcerated persons shall include the following:

1. any incarcerated person in the custody of the department of correction on pending felony charges, who has not been sentenced and who has been in custody for at least seven days; and

2. any incarcerated person who has been sentenced and will serve 10 days or more in any city correctional institution.

§ 5. This local law takes effect 120 days after it becomes law, provided that the commissioner of social services/human resources administration shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

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