

SENATE No. 944

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to consular identification..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. As used in this act, the following words shall, unless the context otherwise
2 requires, have the following meanings:-

3 'Consular identification document', an official identification card issued by a foreign
4 government that meets all of the following requirements:

5 (a) The consular identification document is issued through the foreign government's
6 consular offices for the purpose of identifying a foreign national who is living outside of that
7 nation.

8 (b) The foreign government requires an individual to provide the following to obtain the
9 consular identification document: (1) proof of nationality; (2) proof of identity; and (3) proof of
10 residence in the consular district.

11 (c) The foreign government includes the following security features in the consular
12 identification document: (1) a unique identification number; (2) an optically variable feature such
13 as a hologram or color-shifting inks; (3) an ultraviolet image; (4) encoded information; (5)

14 machine readable technology; (6) micro printing; (7) secure laminate; and (8) integrated
15 photograph and signature.

16 (d) The consular identification document includes the following data: (1) the name and
17 address of the individual to whom it is issued; (2) the date of issuance; (3) the date of expiration;
18 (4) the name of the issuing consulate; and (5) an identification number. The consular
19 identification document must include an English translation of the data fields.

20 (e) The issuing consulate has filed with the department of state police a copy of the
21 issuing consulate's consular identification document and a certification of the procedures that are
22 used to satisfy the requirements in subsections (a)-(d).

23 SECTION 2. (a) Notwithstanding any general or special law to the contrary, when
24 requiring members of the public to provide identification, each state agency, department and
25 employee thereof and each municipality and employee thereof shall accept a consular
26 identification document as valid identification of a person.

27 (b) A consular identification document shall be accepted for purposes of identification
28 only and does not convey an independent right to receive benefits of any type.

29 (c) A consular identification document may not be accepted as identification for
30 obtaining a driver's license or registering to vote.

31 (d) A consular identification document does not establish or indicate lawful U.S.
32 immigration status and may not be viewed as valid for that purpose, nor does a consular
33 identification document establish a foreign national's right to be in the United States or remain in
34 the United States.

35 (e) The requirements of subsection (a) do not apply if: (1) a federal law, regulation, or
36 directive or a federal court decision requires a state agency, department and employee thereof
37 and each municipality and employee thereof to obtain different identification; (2) a federal law,
38 regulation, or directive preempts state regulation of identification requirements; or (3) a state
39 agency, department and employee thereof or a municipality and employee thereof would be
40 unable to comply with a condition imposed by a funding source which would cause the state
41 agency or department or the municipality to lose funds from that source.

42 (f) Nothing in subsection (a) shall be construed to prohibit a state agency, department
43 and employee thereof or a municipality and employee thereof from: (1) requiring additional
44 information from persons in order to verify a current address or other facts that would enable the
45 state agency, department and employee thereof or the municipality and employee thereof to
46 fulfill its responsibilities, provided that a state agency, department and employee thereof or a
47 municipality and employee thereof is not permitted to require additional information solely in
48 order to establish identification of the person when the consular identification document is the
49 form of identification presented; (2) requiring fingerprints for identification purposes under
50 circumstances where the state agency or department or the municipality also requires fingerprints
51 from persons who have a driver's license or identification card issued pursuant to section 8E of
52 chapter 90 of the general laws; or (3) requiring additional evidence of identification if the state
53 agency, department and employee thereof or the municipality and employee thereof reasonably
54 believes that: (i) the consular identification document is forged, fraudulent, or altered; or (ii) the
55 holder does not appear to be the same person on the consular identification document.

56 SECTION 3. Use by a state agency, department or employee thereof or a municipality
57 and employee thereof of information collected from, or appearing on, a consular identification

- 58 document is subject to the same privacy and disclosure limitations that apply to a Massachusetts
59 drivers license or identification card.