SENATE DOCKET, NO. 1778 FILED ON: 1/16/2025

SENATE . . . . . No. 1661

The Commonwealth of Massachusetts

PRESENTED BY:

Sal N. DiDomenico

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to successful transition and re-entry to tomorrow for incarcerated persons.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Sal N. DiDomenico	*Middlesex and Suffolk*	
Michael J. Barrett	*Third Middlesex*	*2/4/2025*
Liz Miranda	*Second Suffolk*	*3/19/2025*
James B. Eldridge	*Middlesex and Worcester*	*9/9/2025*

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By Mr. DiDomenico, a petition (accompanied by bill, Senate, No. 1661) of Sal N. DiDomenico and Michael J. Barrett for legislation relative to successful transition and re-entry to tomorrow for incarcerated persons. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1506* OF 2023-2024.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to successful transition and re-entry to tomorrow for incarcerated persons.

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

Chapter 127 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting the end thereof the following new section:-

Section 172.

(a) As used in this section the following words shall have the following meanings:-

"Correctional facility", any building, enclosure, space or structure used for the custody, control and rehabilitation of incarcerated persons and of such other persons as may be placed in custody therein in accordance with law.

"Family member", a spouse, child, stepchild, adopted child, sibling, step-sibling, adopted sibling, parent, step-parent, adopted parent, foster parent, grandparent, grandchild, aunt, uncle, niece, nephew, or cousin.

"Incarcerated person", a person convicted of a crime and committed under sentence to a correctional facility.

(b) The commissioner shall ensure that, not later than 120 days prior to the expected discharge date of an incarcerated person, or upon learning of an anticipated departure from incarceration within the next 120 days, the chief administrative officer of the correctional facility supervising such incarcerated person shall begin the process for securing from the Registry of Motor Vehicles, on behalf of the incarcerated person, an identification card by: (i) requesting the necessary documents from personal sources, organizations, or government agencies that may hold such documents and (ii) filing waivers of indigency if the standards are met under section 29 of chapter 261 to waive document fees. If the chief administrative officer can secure the requisite documentation for a REAL-ID compliant identification card or license through the standard process to request necessary documents as determined by the regulations promulgated under this section, then the chief administrative officer shall make reasonable efforts to secure the requisite documentation and file an application to provide the incarcerated person with a REAL ID-compliant identification card or license. If the chief administrative officer has made reasonable efforts and exhausted all requests for necessary documents for a REAL-ID compliant identification card or license, but has been unable to secure sufficient documentation, then the chief administrative officer shall secure the requisite documentation necessary and file an application to provide an incarcerated person with a Massachusetts identification card or license.

(c) Notwithstanding sections 8 and 8E of chapter 90 or regulations promulgated by the Registry of Motor Vehicles, if an incarcerated person attests that they do not have a permanent address that would fulfill residence requirements indicated by the Registry of Motor Vehicles, the following addresses shall be accepted for the sole purpose of issuing a REAL-ID compliant or Massachusetts identification card or license: (i) the residence of an adult family member; (ii) a temporary group residence where the incarcerated person intends to reside, such as a homeless shelter, a halfway house, or a similar residence; (iii) a place of worship, community center, non-profit organization, or a similar institution that provides the incarcerated person services; or (iv) the address of the city or town hall in the municipality in which the incarcerated person intends to reside upon discharge. If an incarcerated person chooses to provide an address from clauses (i), (ii) or (iii), notice shall be sent to the owner and tenant of such residence or property within 7 days, including an option to object to the listing of the address on the incarcerated person's proposed identification card or license. If the owner or tenant of such residence objects within 14 days or prior to the filing of an incarcerated person's application for an identification card or license, then the incarcerated person shall be provided with the option to select or provide an alternative address in accordance with clause (iv). If an alternative address other than an individual's address of principal residence is provided in accordance with this paragraph but not in full compliance with federal REAL-ID regulations, then such individual shall be issued a Massachusetts identification card or license. Upon securing permanent residence, an incarcerated person who received an identification card or license under this section shall provide the Registry of Motor Vehicles with an updated address, and act in accordance with all other applicable laws and regulations for a resident of the commonwealth reporting a change of address. A

municipality with a city or town hall that is listed as an address under clause (iv) shall not be liable or responsible for routing an individual's correspondence or possessions.

(d) The Registry of Motor Vehicles shall accept a valid inmate identification card issued by a Massachusetts correctional facility in accordance with chapter 127 section 23 as an acceptable identification document for purposes of proof of Massachusetts residency when issuing a Massachusetts identification card or license under sections 8 and 8E of chapter 90.

(e) An incarcerated person may affirmatively choose not to receive an identification card or license. Such a decision must be noted in a written and signed form, including the reason for the incarcerated person's choice. Annually, on the first of January, the commissioner shall report to the legislature the following: (1) the number of incarcerated persons who chose not to receive an identification card or license and their stated reasons; and (2) the number of incarcerated persons who did not receive an identification card, along with any documented barriers to obtaining one.

(f) The administrative officer shall aid the incarcerated person in submitting an affidavit of indigency to the Registry of Motor Vehicles in accordance with section 29 of chapter 261, and the Registry of Motor Vehicles shall provide the chosen identification card or license at no cost to the incarcerated person. The administrative officer shall not delay further efforts to secure an identification card or license while waiting for the Registry of Motor Vehicles to approve the affidavit of indigency. If an incarcerated person does not qualify for indigency under section 29 of chapter 261, then the administrative officer shall provide the incarcerated person with the option to pay the fees to secure the identification card or license through funds that the incarcerated person may have in their personal canteen account. A correctional facility may

devote funds from its budget to subsidize or fully cover the fees to provide incarcerated persons in their custody with an identification card or license. Neither the Registry of Motor Vehicles, nor a correctional facility, or its affiliates, shall charge fees to incarcerated persons in excess of the fees charged to the general public to receive a comparable identification card or license.

(g) Upon discharge from a state or county correctional facility, an incarcerated person who did not affirmatively choose to refuse an identification card or license shall be provided with their identification card or license.

(h) Nothing in this section shall be construed to extend the sentence of an incarcerated person, nor shall an incarcerated person be held solely for the purpose of fulfilling the requirements of this section.

(i) The Department of Corrections in consultation with the Registry of Motor Vehicles shall promulgate regulations for the implementation of this section within 90 days of enactment.