

By: Representative Young

To: Judiciary A

HOUSE BILL NO. 74

1 AN ACT TO CREATE THE "MISSISSIPPI MANDATORY IDENTIFICATION
2 ACT"; TO PROVIDE THE AUTHORIZED FORMS OF IDENTIFICATION; TO
3 PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO BRING FORWARD
4 SECTION 45-35-7, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
5 STATE IDENTIFICATION CARD, FOR PURPOSES OF AMENDMENT; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** This act shall be known and may be referred to as
9 the "Mississippi Mandatory Identification Act."

10 **SECTION 2.** (1) Any person who is twelve (12) years of age
11 or older shall be required to possess a form of photograph
12 identification that conforms to the requirements of Section
13 45-35-7, and shall have such identification in their possession at
14 all times. The following forms of photograph identification shall
15 be acceptable:

16 (a) Any form of photograph identification authorized
17 for voter identification under Section 23-15-563; or

18 (b) Any form of photograph identification from a
19 recognized educational institution.



(2) Any person who violates the provisions of subsection (1) of this act, shall be penalized as follows:

(a) For a first offense, the person shall be fined up to Fifty Dollars (\$50.00), and if such person fails to pay such fine within thirty (30) days after the court order, then, at the discretion of the judge, such person shall be ordered to perform up to ten (10) hours of community service;

(b) For a second offense, the person shall be fined not less than Fifty Dollars (\$50.00), but not more than One Hundred Fifty Dollars (\$150.00), and if such person fails to pay such fine within thirty (30) days after the court order, then, at the discretion of the judge, such person shall be ordered to perform up to twenty-five (25) hours of community service.

(c) For a third or subsequent offense, the person shall be fined not less than One Hundred Fifty Dollars (\$150.00), but not more than Two Hundred Fifty Dollars (\$250.00), and if such person fails to pay such fine within thirty (30) days after the court order, then, at the discretion of the judge, such person shall be ordered to perform up to forty (40) hours of community service.

SECTION 3. Section 45-35-7, Mississippi Code of 1972, is brought forward as follows:

45-35-7. (1) (a) Except as provided in paragraph (b) of this subsection (1), each applicant for an original or renewal identification card issued pursuant to this chapter who is



entitled to issuance of such a card shall be issued a four-year card or an eight-year card, at the option of the applicant. Each card shall expire at midnight on the cardholder's birthday and may be renewed any time within six (6) months before the expiration date of the card upon application and payment of the required fee.

(b) Any applicant who is blind, as defined in Section 43-6-1, upon payment of the fee prescribed in Section 63-1-43, shall be issued an original or renewal identification card which shall remain valid for a period of eight (8) years, shall expire at midnight on the cardholder's birthday, and may be renewed any time within six (6) months before the expiration date of the card upon application and payment of the required fee.

(2) (a) Any applicant who is not a United States citizen, upon payment of the fee prescribed in Section 63-1-43, shall be issued an original or renewal identification card which shall expire four (4) years from date of issuance or on the expiration date of the applicant's authorized stay in the United States, whichever is the lesser period of time, and may be renewed, if the person is otherwise qualified to renew the license, within thirty (30) days of expiration.

(b) An applicant for an original or renewal identification card under paragraph (a) must present valid documentary evidence documenting that the applicant:

(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 residence 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 or lawful presence in 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;

(ix) Has pending an 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; or

(x) Has a valid employment authorization card issued by the United States Department of Homeland Security.

(3) The fee for the issuance of an original or renewal identification card shall be as prescribed in Section 63-1-43.

(4) Any person who, for medical reasons, surrenders his unexpired driver's license, and any person whose unexpired



94 driver's license is suspended for medical reasons by the
95 Commissioner of Public Safety under Section 63-1-53(2)(e), upon
96 request shall be issued an identification card without payment of
97 a fee. The identification card shall be valid for a period of
98 four (4) years from its date of issue. Subsequent renewals shall
99 be subject to the fees prescribed in Section 63-1-43.

100 (5) The department shall maintain a record of all
101 identification cards issued.

102 (6) (a) Any male who is at least eighteen (18) years of age
103 but less than twenty-six (26) years of age and who applies for an
104 identification card or a renewal of an identification card under
105 this chapter shall be registered in compliance with the
106 requirements of Section 3 of the Military Selective Service Act,
107 50 USCS Appx 451 et seq., as amended.

108 (b) The department shall forward in an electronic
109 format the necessary personal information of the applicant to the
110 Selective Service System. The applicant's submission of the
111 application shall serve as an indication that the applicant either
112 has already registered with the Selective Service System or that
113 he is authorizing the department to forward to the Selective
114 Service System the necessary information for registration. The
115 commissioner shall notify the applicant on, or as a part of, the
116 application that his submission of the application will serve as
117 his consent to registration with the Selective Service System, if
118 so required. The commissioner also shall notify any male



119 applicant under the age of eighteen (18) that he will be
120 registered upon turning age eighteen (18) as required by federal
121 law.

122 **SECTION 4.** This act shall take effect and be in force from
123 and after July 1, 2023.

