

By: Representatives Summers, Hulum, Stamps,
McCarty, Karriem

To: Judiciary B

HOUSE BILL NO. 368
(As Passed the House)

1 AN ACT TO AMEND SECTION 45-35-17, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE AUTHORITY OF THE COMMISSIONER OF PUBLIC SAFETY TO
3 CREATE RULES AND REGULATIONS TO PROVIDE AN ALTERNATIVE STATE
4 IDENTIFICATION CARD TO HOMELESS PERSONS; TO AMEND SECTIONS
5 45-35-17, 45-35-7 AND 45-35-5, MISSISSIPPI CODE OF 1972, TO
6 CONFORM TO THE PRECEDING SECTION; FOR RELATED PURPOSES.

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

8 **SECTION 1.** Section 45-35-17, Mississippi Code of 1972, is
9 amended as follows:

10 45-35-17. (1) Subject to available appropriations, the
11 Commissioner of Public Safety shall establish an alternative state
12 identification card that does not conflict with the requirements
13 of the federal Real ID Act of 2005, except that this card shall
14 not require proof of domicile for persons who do not have a
15 domicile to list. The Commissioner of Public Safety shall create
16 rules and regulations that allow persons who are homeless to
17 obtain an alternative state identification card.

18 (2) For purposes of this section, the term "homeless" means
19 lacks a fixed, regular and adequate residence, or lives



20 periodically in a public or private shelter or location that
21 provides temporary living arrangements.

22 **SECTION 2.** Section 45-35-7, Mississippi Code of 1972, is
23 amended as follows:

24 45-35-7. (1) (a) Except as provided in paragraph (b) of
25 this subsection (1) or as otherwise provided by law for homeless
26 persons, each applicant for an original or renewal identification
27 card issued pursuant to this chapter who is entitled to issuance
28 of such a card shall be issued a four-year card or an eight-year
29 card, at the option of the applicant. Each card shall expire at
30 midnight on the cardholder's birthday and may be renewed any time
31 within six (6) months before the expiration date of the card upon
32 application and payment of the required fee.

33 (b) Any applicant who is blind, as defined in Section
34 43-6-1, upon payment of the fee prescribed in Section 63-1-43,
35 shall be issued an original or renewal identification card which
36 shall remain valid for a period of eight (8) years, shall expire
37 at midnight on the cardholder's birthday, and may be renewed any
38 time within six (6) months before the expiration date of the card
39 upon application and payment of the required fee.

40 (2) (a) Any applicant who is not a United States citizen,
41 upon payment of the fee prescribed in Section 63-1-43, shall be
42 issued an original or renewal identification card which shall
43 expire four (4) years from date of issuance or on the expiration
44 date of the applicant's authorized stay in the United States,



45 whichever is the lesser period of time, and may be renewed, if the
46 person is otherwise qualified to renew the license, within thirty
47 (30) days of expiration.

48 (b) An applicant for an original or renewal
49 identification card under paragraph (a), except a person who is
50 homeless as defined in Section 45-35-17, must present valid
51 documentary evidence documenting that the applicant:

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

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

55 (iii) Has conditional permanent residence status
56 in the United States;

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

60 (v) Has a valid, unexpired nonimmigrant visa or
61 nonimmigrant visa status for entry into or lawful presence in the
62 United States;

63 (vi) Has a pending application for asylum in the
64 United States;

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

67 (viii) Has approved deferred-action status;

68 (ix) Has pending an application for adjustment of
69 status to that of an alien lawfully admitted for permanent



70 residence in the United States or conditional permanent resident
71 status in the United States; or

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

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

76 (4) Any person who, for medical reasons, surrenders his
77 unexpired driver's license, and any person whose unexpired
78 driver's license is suspended for medical reasons by the
79 Commissioner of Public Safety under Section 63-1-53(2)(e), upon
80 request shall be issued an identification card without payment of
81 a fee. The identification card shall be valid for a period of
82 four (4) years from its date of issue. Subsequent renewals shall
83 be subject to the fees prescribed in Section 63-1-43.

84 (5) The department shall maintain a record of all
85 identification cards issued.

86 (6) (a) Any male who is at least eighteen (18) years of age
87 but less than twenty-six (26) years of age and who applies for an
88 identification card or a renewal of an identification card under
89 this chapter shall be registered in compliance with the
90 requirements of Section 3 of the Military Selective Service Act,
91 50 USCS Appx 451 et seq., as amended.

92 (b) The department shall forward in an electronic
93 format the necessary personal information of the applicant to the
94 Selective Service System. The applicant's submission of the



95 application shall serve as an indication that the applicant either
96 has already registered with the Selective Service System or that
97 he is authorizing the department to forward to the Selective
98 Service System the necessary information for registration. The
99 commissioner shall notify the applicant on, or as a part of, the
100 application that his submission of the application will serve as
101 his consent to registration with the Selective Service System, if
102 so required. The commissioner also shall notify any male
103 applicant under the age of eighteen (18) that he will be
104 registered upon turning age eighteen (18) as required by federal
105 law.

106 **SECTION 3.** Section 45-35-5, Mississippi Code of 1972, is
107 amended as follows:

108 45-35-5. Except as otherwise regulated by the authority of
109 Section 45-35-17 for homeless persons, data for the issuance of an
110 identification card shall include a birth certificate or other
111 document to establish the age and identity of the applicant, the
112 social security number of the applicant, and such other
113 identifying data as is required on an application for issuance of
114 a driver's license.

115 **SECTION 4.** This act shall take effect and be in force from
116 and after July 1, 2023, and shall stand repealed on June 30, 2023.

