DRAFT LOCAL LAW NO. ____ OF 2018

CITY COUNCIL
CITY OF BEACON

PROPOSED LOCAL LAW TO CREATE CHAPTER 42 OF THE CODE OF THE CITY OF BEACON

A LOCAL LAW to create Chapter 42 of the Code of the City of Beacon to establish a Municipal Identification Program in the City of Beacon.

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 42 of the Code of the City of Beacon entitled "Municipal Identification Program" is hereby created as follows:

§ 42-1 Legislative findings, intent and purpose.

A. The City Council finds that many residents of the City of Beacon often times do not have access to various forms of identification and thus have difficulty obtaining services, such as bank accounts, access to health care services, as well as access to public/government buildings. This barrier leaves thousands of individuals- including immigrants, homeless people, transgender people, senior citizens, young people, and those who have been formerly incarcerated- without access to critical services. It is the intent of the City Council to build the City of Beacon's standing as a welcoming and inclusive center for all residents, without regard to a person's race, national origin, religion, sex, sexual orientation, gender identity, disability, immigration, housing, or financial status.

B. Residents' lack of access to acceptable forms of identification also raises public safety concerns for the City. Residents without access to bank accounts often carry large amounts of money on their person or store it in their home making them targets for crime. In addition, residents who cannot produce proof of identity are often reluctant to report crimes to the police that they suffer or witness. Studies show that immigrant populations in particular are victimized by crime at rates similar to or greater than the general population but immigrant populations report crime at lower rates than the general population. This under-reporting of crime poses a serious public safety problem and erodes the ability of law enforcement to function effectively in the City.

C. A City of Beacon identification card would serve to reduce the impact of the above mentioned conditions, improve public safety, and enable all City of Beacon residents to participate more fully in and become an integral part of the community. A City of Beacon identification card would encourage crime reporting and witness cooperation, both key elements in building a safer community. Such cards would also potentially enable more City residents to open bank accounts, access parks or other public facilities, and receive resident discounts at local businesses, events, and arts institutions. The cards would also benefit children and youth who become lost and normally possess no identification or emergency contact information and elderly citizens who no longer drive and therefore no longer possess a valid driver's license. Accordingly, it is in the best interests of its residents for the City to issue its own municipal identification card.

D. By authorizing the creation of this program, the City Council does not intend to expand identification requirements for access to basic services or exercise of constitutional rights. The program should not be used as a proxy to require individuals to produce government-issued identification to access services and benefits where such identification is not presently required, such as registering to vote or casting a ballot.

§ 42-2 Definitions.

BEACON ID CARD

An identification card issued by the City of Beacon that shall, at a minimum, display the cardholder's photograph, name, date of birth, address, ID card number, and card expiration date. Such identification card shall be designed in a manner to deter fraud which may include; bar codes, serial numbers, watermarks, City Seal, or other security measures used to protect against fraud. Additionally, the card does not bestow eligibility for state or federal financial benefits, therefore significantly reducing the incentive to fraudulently obtaining an ID card.

CITY

The City of Beacon or any department, agency, board, or commission thereof.

RESIDENT

A person who can establish that he or she is a current resident of the City of Beacon pursuant to **§ 42-5**.

§ 42-3 Beacon ID Card program.

The City Clerk shall act as the custodian of all records and applications. The City shall work with such groups as Nobody Leaves Mid-Hudson to implement the Beacon ID Card program.

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§ 42-4 Issuance of Beacon ID Cards.

A. The Beacon ID Card shall be available to any resident of the City over the age of 14, regardless of his or her race, color, creed, age, national origin, alienage or citizenship status, gender identity, sexual orientation, disability, marital status, partnership status, any lawful source of income, housing status, status as a victim of domestic violence or status as a victim of sex offenses or stalking, or conviction or arrest record, provided that such resident is able to meet the requirements for establishing his or her identity and residency as set forth in this chapter.

B. The City shall establish an application fee for municipal identification cards of $10 for adults and $5 for people under the age of 18 or over the age of 62.

C. The Beacon ID Card shall be valid for a period of 2 years from the date of issuance, and thereafter must be renewed for a fee of $5.00 in order to keep the ID Card active. Only residents with a valid, active Beacon ID Card shall be eligible to receive Beacon ID Card benefits.

§ 42-5 Beacon ID Card eligibility.

A. Eligibility: In order to obtain a Beacon ID Card an applicant must complete an application and provide documentation in order to establish proof of identity and proof of residency within the city as follows:

(1) Proof of Identity: In order to establish identity, an applicant shall be required to attain 4 points of identification by producing at least one of the following documents from LIST ONE (4 points), current or expired not more than 5 years prior to the date of the Beacon ID Card application OR one document from LIST TWO (3 points) along with one document from LIST THREE (1 point).

(a) **List One** (4 point documents): U.S. or foreign passport; U.S. state driver's license; U.S. state identification card; U.S. permanent resident card; a consular identification card; 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; a national identification card with photo, name, address, date of birth, and expiration date; a foreign driver's license; U.S. or foreign military identification card; a current visa issued by a government agency.

(b) **List Two** (3 point documents): U.S. Permanent Resident (Green Card); U.S. Citizenship and Naturalization Certificate; U.S. Federal Government or Tribal-issued photo ID; State Veterans ID with photo.

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(c) **List Three** (1 point document): Social Security Card; EBT Card; High School or College Diploma; ITIN (Individual Taxpayer Identification Number) card or authorization letter (must be accompanied by an ID with a photograph); Voter Registration Card.

(2) Proof of Residency: In order to establish residency, an applicant shall be required to produce at least one of the following items which must show the applicant's name and residential address located within the city and must be dated no more than sixty days prior to the date such document is presented, unless otherwise indicated below:

(a) A utility bill;

(b) A current residential property lease;

(c) A local property tax statement dated within one year of the date it is submitted;

(d) A local real property mortgage payment receipt;

(e) A bank account statement;

(f) Proof that the applicant has a minor child currently enrolled in a school located within the city;

(g) An employment pay stub;

(h) A jury summons or court order issued by a federal or state court;

(i) A federal or state income tax or refund statement dated within one year of the date it is submitted;

(j) An insurance bill (homeowner, renter, health, life, or automobile insurance);

(k) Written verification issued by a homeless shelter located within municipality that confirms at least fifteen days residency;

(l) Written verification issued by a hospital, health clinic or social services agency located within the City confirming at least fifteen days residency.

§ 42- 6 Confidentiality of Beacon ID Card application information and data.

A. The City will retain originals or copies of records provided by an applicant to prove identity or residency for a Beacon ID Card.

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B. The City will retain the name, date of birth, card number, and expiration date for all IDs, giving the City the ability to prevent duplicates.

C. The City shall not disclose information about Beacon ID Card applicants to any public or private entity or individual, including federal, state, or city immigration or law enforcement entities, unless disclosure is required by law.

§ 42-7 Access to services.

A. The City's municipal agencies and offices, and appropriate municipal employees, including law enforcement officers, may accept the Beacon ID Card as proof of identity and residency, excluding in cases where acceptance of the Beacon ID Card is precluded by state or federal law.

B. The City may seek to promote and expand the benefits associated with the Beacon ID Card and may take reasonable efforts to promote the acceptance of the Beacon ID Card by banks and other public and private institutions located within the City.

C. The City's municipal agencies and offices may not require the possession of a Beacon ID Card where identification is not already required in order to obtain city services. Provided, however, that the City's municipal agencies and offices may require the possession of a Beacon ID Card to obtain benefits or privileges offered exclusively to those who possess a Beacon ID Card as an incentive to apply for the municipal identity card.

D. The City will train appropriate municipal personnel, municipal offices, and law enforcement officers to ensure that the Beacon ID Card is effectively accepted per its intended use as is outlined in this chapter.

§ 42-8 Language assistance services.

The City may, consistent with all federal, state and local laws, provide language assistance to applicants for the municipal identity cards to facilitate access thereto. The City may identify and implement measures, including but not limited to staff training, community outreach, and language assistance tools, to address the needs of limited English proficient individuals in the successful administration of the Beacon ID Card program.

§ 42-9 Violations.

A. It is a violation of this chapter for any person or entity to undertake any of the following acts. A fine of no more than $100 may be imposed for each violation.

(1) To knowingly present false information in the course of applying for a Beacon ID Card.

(2) To alter, copy, or replicate a Beacon ID Card without the authority of the City.

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(3) To use a Beacon ID Card issued to another person, with the intent to cause a third person or entity to believe the holder of the card is the person to whom the card was issued.

Section 2. Numbering for Codification

It is the intention of the City and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 3. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 4. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State. The Beacon ID Card program shall be implemented within 6 months of the passage of chapter.

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