

HOUSE TAXATION AND REVENUE COMMITTEE SUBSTITUTE FOR
HOUSE BILL 231

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO CHILDREN; REQUIRING THE CHILDREN, YOUTH AND
FAMILIES DEPARTMENT TO OBTAIN IDENTIFICATION CARDS FOR CHILDREN
TWELVE YEARS OF AGE AND OLDER IN THE DEPARTMENT'S CUSTODY FOR
THIRTY OR MORE CONSECUTIVE DAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Children's Code is
enacted to read:

"[NEW MATERIAL] CHILDREN IN FOSTER CARE--IDENTIFICATION
CARD.--

A. Except as provided in Subsection B of this
section, the department shall, unless the child objects, obtain
a standard identification card issued for a child pursuant to
Section 66-5-401 NMSA 1978 no later than ninety days after the
child was placed in the custody of the department.

.225312.2

underscored material = new
[bracketed material] = delete

1 B. If the department is unable to comply with the
2 provisions of Subsection A of this section due to the child's
3 incarceration, elopement, physical or mental disability or
4 specialized placement where the child cannot be transported, or
5 upon approval of the court, the department shall obtain the
6 identification card no later than ninety days from the date the
7 condition preventing compliance ceases to exist.

8 C. As used in this section, "child" means:

9 (1) an individual at least twelve years of age
10 but under nineteen years of age; or

11 (2) an individual at least twelve years of age
12 but under twenty-one years of age who is participating in the
13 fostering connections program pursuant to Section 32A-26-3 NMSA
14 1978; and

15 (3) an individual who has been placed in the
16 custody of the protective services division of the department
17 for thirty or more consecutive days."

18 SECTION 2. Section 66-5-401 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 328, as amended) is amended to read:

20 "66-5-401. IDENTIFICATION CARDS--APPLICATION.--

21 A. A person who does not have a valid New Mexico
22 driver's license may be issued an identification card by the
23 department. An application for an identification card or
24 renewal of an identification card shall be made upon a form
25 furnished by the department.

.225312.2

1 B. The department shall establish two distinct
2 identification cards as provided in Section 66-5-405 NMSA 1978:

3 (1) a REAL ID-compliant identification card;
4 and

5 (2) a standard identification card.

6 C. An application for a REAL ID-compliant
7 identification card shall contain the applicant's full legal
8 name; date of birth; sex; and current New Mexico residence
9 address and shall briefly describe the applicant.

10 D. An application for a standard identification
11 card shall bear the applicant's full name; date of birth; sex;
12 and current New Mexico residence address and shall briefly
13 describe the applicant.

14 E. The secretary shall establish by rule documents
15 that may be accepted as evidence of the residency of the
16 applicant.

17 F. A person applying for or renewing a REAL ID-
18 compliant identification card shall provide documentation
19 required by the federal government of the applicant's identity;
20 date of birth; social security number, if applicable; address
21 of current residence; and lawful status. The department shall
22 verify the applicant's lawful status and social security
23 number, if applicable, through a method approved by the federal
24 government. Pursuant to the federal REAL ID Act of 2005, the
25 secretary shall establish a written, defined exception process

.225312.2

1 to allow a person to demonstrate the person's identity, age and
2 lawful status. The process shall allow a person to use a
3 certified letter of enrollment or a valid identification card
4 issued by a federally recognized Indian nation, tribe or pueblo
5 to demonstrate the person's identity or age or to demonstrate
6 the person's lawful status, if applicable. A person with
7 lawful status may apply for a REAL ID-compliant identification
8 card or a standard identification card. Every application for
9 an identification card shall be signed by the applicant or the
10 applicant's parent or guardian. The secretary may, for good
11 cause, revoke or deny the issuance of an identification card.

12 G. An application by a foreign national with lawful
13 status for a REAL ID-compliant identification card shall
14 contain the unique identifying number and expiration date, if
15 applicable, of the foreign national's valid passport, valid
16 visa, employment authorization card issued under the
17 applicant's approved deferred action status or other
18 arrival-departure record or document issued by the federal
19 government that conveys lawful status. The department may
20 issue to an eligible foreign national applicant a REAL ID-
21 compliant identification card that is valid for a period not to
22 exceed the duration of the applicant's lawful status; provided
23 that if that date cannot be determined by the department and
24 the applicant is not a legal permanent resident, the
25 identification card shall expire one year after the effective

.225312.2

1 date of the identification card.

2 H. The department shall issue a standard
3 identification card to an applicant who is otherwise eligible
4 but who does not provide proof of lawful status and who
5 affirmatively acknowledges that the applicant understands that
6 a standard identification card may not be valid for federal
7 purposes. An applicant who does not provide proof of lawful
8 status shall only apply for a standard identification card. An
9 application for a standard identification card shall include
10 proof of the applicant's identity and age.

11 I. The secretary may adopt rules providing for the
12 proration of fees due to shortened validity periods authorized
13 pursuant to the provisions of this section.

14 J. Within the forms prescribed by the department
15 for identification card applications, a space shall be provided
16 to show whether the applicant is a donor as provided in the
17 Jonathan Spradling Revised Uniform Anatomical Gift Act. A
18 person applying for an identification card may indicate that
19 person's status on the space provided on the application. The
20 donor status indicated by the applicant shall be displayed on
21 the identification card. The form and identification card
22 shall be signed by the donor in the presence of a witness who
23 shall also sign the form in the donor's presence.

24 K. The children, youth and families department may
25 apply for and receive a standard identification card on behalf

.225312.2

1 of a child twelve years of age and older who has been placed in
2 the custody of the protective services division of that
3 department for thirty or more consecutive days."

4 SECTION 3. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is January 1, 2024.