

**CITY OF BALTIMORE
COUNCIL BILL 16-0652
(First Reader)**

Introduced by: Councilmembers Scott, Middleton, Branch, Stokes, Costello, Henry, Reisinger,
President Young, Councilmembers Welch, Curran, Holton, Clarke

Introduced and read first time: April 7, 2016

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Mayor's Office
of Information Technology

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Baltimore City Municipal Identification Cards**

3 FOR the purpose of requiring that the City issue municipal identification cards to all qualified
4 City residents who request them; establishing the requirements for obtaining a municipal
5 identification card; requiring the City to keep information from the municipal identification
6 card program confidential; prohibiting the use of counterfeit or fraudulent municipal
7 identification cards; establishing certain penalties; and generally relating to a Baltimore City
8 municipal identification card program.

9 BY adding,

10 Article 1 - Mayor, City Council, and Municipal Agencies
11 Section(s) 38-1 to 38-13, to be under the new subtitle designation,
12 "Subtitle 38. Municipal Identification"
13 Baltimore City Code
14 (Edition 2000)

15 BY adding,

16 Article 1 - Mayor, City Council, and Municipal Agencies
17 Section(s) 41-14 (.25)
18 Baltimore City Code
19 (Edition 2000)

20 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
21 Laws of Baltimore City read as follows:

22 **Baltimore City Code**

23 **Article 1. Mayor, City Council, and Municipal Agencies**

24 **SUBTITLE 38. MUNICIPAL IDENTIFICATION**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 **§ 38-1. DEFINITIONS.**

2 (A) “BALTIMORE CITY ID CARD”; “MUNICIPAL IDENTITY CARD”.

3 “BALTIMORE CITY ID CARD” OR “MUNICIPAL IDENTITY CARD” MEANS AN IDENTIFICATION
4 CARD ISSUED BY THE CITY OF BALTIMORE UNDER THIS SUBTITLE.

5 (B) *MOIT*.

6 “MOIT” MEANS THE MAYOR’S OFFICE OF INFORMATION TECHNOLOGY.

7 **§ 38-2. FINDINGS AND LEGISLATIVE INTENT.**

8 (A) *FINDINGS OF FACT*.

9 (1) IN ADOPTING THIS SUBTITLE, THE MAYOR AND CITY COUNCIL MAKE THE FINDINGS
10 CONTAINED IN THIS SUBSECTION.

11 (2) MANY RESIDENTS OF BALTIMORE CITY ARE UNABLE TO OBTAIN A
12 GOVERNMENT-ISSUED IDENTIFICATION ESSENTIAL TO FULL PARTICIPATION IN
13 BALTIMORE’S DIVERSE SOCIETY. THIS BARRIER LEAVES THOUSANDS OF
14 INDIVIDUALS – INCLUDING IMMIGRANTS, HOMELESS PEOPLE, TRANSGENDER
15 PEOPLE, SENIOR CITIZENS, YOUNG PEOPLE, AND FORMERLY INCARCERATED PEOPLE
16 – WITHOUT ACCESS TO CRITICAL SERVICES, BENEFITS, AND CULTURAL,
17 EDUCATIONAL, AND CIVIC OPPORTUNITIES.

18 (3) BALTIMORE CITY OFFERS AN ARRAY OF CULTURAL, EDUCATIONAL, AND CIVIC
19 OPPORTUNITIES MEANT TO BE ACCESSIBLE TO ALL MEMBERS OF OUR COMMUNITY.

20 (4) TRANSGENDER AND GENDER NON-CONFORMING INDIVIDUALS MAY HAVE
21 PARTICULAR CHALLENGES IN OBTAINING IDENTIFICATION CARDS THAT REFLECT
22 THEIR GENDER IDENTITY, DUE TO STIGMA AND BURDENSOME ADMINISTRATIVE
23 POLICIES FOR CHANGING GENDER ON OTHER IDENTIFICATION DOCUMENTS. THIS
24 INCREASES THE LIKELIHOOD THEY WILL EXPERIENCE DISCRIMINATION IN SEEKING
25 EMPLOYMENT OR HOUSING OR OTHERWISE PARTICIPATING IN CULTURAL OR CIVIC
26 LIFE.

27 (B) *LEGISLATIVE INTENT*.

28 IT IS THE INTENT OF THE MAYOR AND CITY COUNCIL IN ADOPTING THIS SUBTITLE TO:

29 (1) BUILD BALTIMORE’S STANDING AS A WELCOMING AND INCLUSIVE CENTER FOR ALL
30 RESIDENTS, WITHOUT REGARD TO A PERSON’S RACE, NATIONAL ORIGIN, RELIGION,
31 SEX, SEXUAL ORIENTATION, GENDER IDENTITY, DISABILITY, OR IMMIGRATION,
32 HOUSING, OR FINANCIAL STATUS;

33 (2) PROVIDE A MUNICIPAL IDENTIFICATION CARD THAT WILL AFFIRM THE GENDER
34 IDENTITY AND RESIDENT STATUS OF ALL BALTIMORE CITY RESIDENTS BY
35 ALLOWING APPLICANTS TO OBTAIN IDENTIFICATION THAT REFLECTS THEIR GENDER

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1 IDENTITY, REGARDLESS OF ASSIGNED BIRTH SEX OR GENDER DESIGNATION ON
2 PREVIOUSLY-ISSUED IDENTITY DOCUMENTS;

3 (3) EXPAND ACCESS AND INCORPORATE MORE MEMBERS OF BALTIMORE’S DIVERSE
4 COMMUNITY INTO THE RICH FABRIC OF CIVIC LIFE; AND

5 (4) PRESERVE THE SAFETY AND PRIVACY OF ALL BALTIMORE CITY RESIDENTS BY
6 ENSURING THAT PERSONAL DATA GATHERED DURING THE MUNICIPAL
7 IDENTIFICATION APPLICATION PROCESS IS DESTROYED OR MAINTAINED
8 CONFIDENTIALLY.

9 (C) *NO EXPANSION OF IDENTIFICATION REQUIREMENTS.*

10 (1) BY AUTHORIZING THE CREATION OF A MUNICIPAL IDENTIFICATION CARD
11 PROGRAM, THE MAYOR AND CITY COUNCIL DO NOT INTEND TO EXPAND
12 IDENTIFICATION REQUIREMENTS FOR ACCESS TO BASIC SERVICES OR EXERCISE OF
13 CONSTITUTIONAL RIGHTS.

14 (2) THE PROGRAM CREATED BY THIS SUBTITLE IS NOT TO BE USED TO REQUIRE
15 INDIVIDUALS TO PRODUCE GOVERNMENT-ISSUED IDENTIFICATION TO ACCESS
16 SERVICES AND BENEFITS WHERE GOVERNMENT-ISSUED IDENTIFICATION WAS NOT
17 PREVIOUSLY REQUIRED, SUCH AS WHEN REGISTERING TO VOTE, CASTING A BALLOT,
18 OR ACCESSING CERTAIN GOVERNMENT BUILDINGS.

19 § 38-3. MUNICIPAL IDENTITY CARD PROGRAM ADMINISTRATION.

20 (A) *IN GENERAL.*

21 MOIT SHALL ADMINISTER THE MUNICIPAL IDENTITY CARD PROGRAM WITH THE
22 ASSISTANCE AND COOPERATION OF ALL OTHER CITY AGENCIES AS NEEDED.

23 (B) *RULES AND REGULATIONS.*

24 MOIT MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

25 (C) *FILING WITH LEGISLATIVE REFERENCE.*

26 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
27 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY BECOME EFFECTIVE.

28 § 38-4. ISSUANCE OF MUNICIPAL IDENTITY CARDS.

29 (A) *AVAILABLE TO ALL CITY RESIDENTS.*

30 MOIT MUST MAKE A BALTIMORE CITY ID CARD AVAILABLE TO ANY RESIDENT OF
31 BALTIMORE CITY WHO CAN MEET THE REQUIREMENTS OF § 38-8 {“MUNICIPAL IDENTITY
32 CARD ELIGIBILITY”} OF THIS SUBTITLE FOR ESTABLISHING HIS OR HER IDENTITY AND
33 RESIDENCY REGARDLESS OF HIS OR HER RACE, COLOR, CREED, AGE, NATIONAL ORIGIN,
34 ALIENAGE OR CITIZENSHIP STATUS, GENDER, SEXUAL ORIENTATION, DISABILITY, MARITAL
35 STATUS, PARTNERSHIP STATUS, SOURCE OF LAWFUL INCOME, HOUSING STATUS, STATUS AS

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1 A VICTIM OF DOMESTIC VIOLENCE, STATUS AS A VICTIM OF SEX OFFENSES OR STALKING, OR
2 CONVICTION OR ARREST RECORD.

3 (B) APPLICATION FEE.

4 (1) MOIT MUST ESTABLISH A REASONABLE APPLICATION FEE FOR A BALTIMORE CITY ID
5 CARD.

6 (2) MOIT MUST ADOPT RULES PERMITTING RESIDENTS WHO CANNOT AFFORD TO PAY AN
7 APPLICATION FEE TO RECEIVE A FULL OR PARTIAL WAIVER OF THE FEE.

8 **§ 38-5. MUNICIPAL IDENTITY CARD DESIGN AND CONTENT.**

9 (A) *CARD CONTENT.*

10 (1) A BALTIMORE CITY ID CARD ISSUED UNDER THIS SUBTITLE MUST, AT A MINIMUM,
11 DISPLAY THE CARDHOLDER'S PHOTOGRAPH, NAME, DATE OF BIRTH, ADDRESS, AND AN
12 EXPIRATION DATE.

13 (2) A BALTIMORE CITY ID CARD ISSUED UNDER THIS SUBTITLE MAY ALSO, AT THE
14 CARDHOLDER'S OPTION, DISPLAY THE CARDHOLDER'S SELF-DESIGNATED GENDER.

15 (B) *SECURE DESIGN.*

16 EACH BALTIMORE CITY ID CARD ISSUED UNDER THIS SUBTITLE MUST BE DESIGNED AND
17 PRODUCED WITH FRAUD AND COUNTERFEIT DETERRING FEATURES.

18 **§ 38-6. MUNICIPAL IDENTITY CARD APPLICATIONS.**

19 (A) *AVAILABLE AT CITY AGENCIES.*

20 APPLICATIONS FOR BALTIMORE CITY ID CARDS MUST BE MADE AVAILABLE FOR PICK-UP
21 AND SUBMISSION AT EVERY CITY AGENCY OR OFFICE WHERE THERE IS SUBSTANTIAL
22 CONTACT WITH THE PUBLIC.

23 (B) *AVAILABLE ON-LINE.*

24 MOIT MUST MAKE APPLICATIONS AVAILABLE FOR BALTIMORE CITY ID CARDS ON-LINE.

25 **§ 38-7. LANGUAGE ASSISTANCE SERVICES.**

26 MOIT SHALL, CONSISTENT WITH ALL FEDERAL, STATE, AND LOCAL LAWS, PROVIDE LANGUAGE
27 ASSISTANCE TO ADDRESS THE NEEDS OF LIMITED ENGLISH PROFICIENT INDIVIDUALS IN THE
28 ADMINISTRATION OF THE MUNICIPAL IDENTITY CARD PROGRAM BY IMPLEMENTING MEASURES
29 SUCH AS:

30 (1) STAFF TRAINING,

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- 1 (2) COMMUNITY OUTREACH, AND
- 2 (3) THE USE OF LANGUAGE ASSISTANCE TOOLS.

3 **§ 38-8. MUNICIPAL IDENTITY CARD ELIGIBILITY.**

4 (A) *IN GENERAL.*

- 5 (1) MOIT MAY DETERMINE BY RULE THE WEIGHT TO BE GIVEN TO EACH TYPE OF
- 6 DOCUMENT DESCRIBED IN THIS SECTION, AND MAY REQUIRE THAT AN APPLICANT
- 7 PRODUCE MORE THAN 1 DOCUMENT TO ESTABLISH IDENTITY OR RESIDENCY.
- 8 (2) MOIT MUST CREATE ALTERNATIVE METHODS BY WHICH INDIVIDUALS WHO ARE
- 9 HOMELESS CAN ESTABLISH RESIDENCY DESPITE THE LACK OF A FIXED ADDRESS.

10 (B) *PROOF OF IDENTITY.*

11 TO ESTABLISH IDENTITY, AN APPLICANT MUST PRODUCE 1 OR MORE OF THE FOLLOWING
12 DOCUMENTS, EACH OF WHICH MUST BE CURRENT OR HAVE EXPIRED NOT MORE THAN 5
13 YEARS PRIOR TO THE DATE IT IS PRESENTED:

- 14 (1) A U.S. OR FOREIGN PASSPORT;
- 15 (2) A U.S. STATE DRIVER'S LICENSE;
- 16 (3) A U.S. STATE IDENTIFICATION CARD;
- 17 (4) A U.S. PERMANENT RESIDENT CARD;
- 18 (5) A CONSULAR IDENTIFICATION CARD;
- 19 (6) A PHOTO IDENTIFICATION CARD, WITH NAME, ADDRESS, DATE OF BIRTH, AND
- 20 EXPIRATION-DATE ISSUED BY ANOTHER COUNTRY TO ITS CITIZENS OR NATIONALS
- 21 AS AN ALTERNATIVE TO A PASSPORT FOR RE-ENTRY TO THE ISSUING COUNTRY;
- 22 (7) A CERTIFIED COPY OF A U.S. OR FOREIGN BIRTH CERTIFICATE;
- 23 (8) A SOCIAL SECURITY CARD;
- 24 (9) A NATIONAL IDENTIFICATION CARD WITH PHOTO, NAME, ADDRESS, DATE OF BIRTH,
- 25 AND EXPIRATION DATE;
- 26 (10) A FOREIGN DRIVER'S LICENSE;
- 27 (11) A U.S. OR FOREIGN MILITARY IDENTIFICATION CARD;
- 28 (12) A CURRENT VISA ISSUED BY A GOVERNMENT AGENCY;
- 29 (13) A U.S. INDIVIDUAL TAXPAYER IDENTIFICATION NUMBER (ITIN) AUTHORIZATION
- 30 LETTER;
- 31

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1 (14) AN ELECTRONIC BENEFIT TRANSFER (EBT) CARD; OR

2 (15) ANY OTHER DOCUMENT THAT MOIT DEEMS ACCEPTABLE.

3 (C) *PROOF OF CITY RESIDENCY.*

4 TO ESTABLISH CITY RESIDENCY, AN APPLICANT MUST PRODUCE ONE OR MORE OF THE
5 FOLLOWING ITEMS, EACH OF WHICH MUST SHOW THE APPLICANT'S NAME AND
6 RESIDENTIAL ADDRESS LOCATED WITHIN THE CITY AND MUST, EXCEPT AS OTHERWISE
7 PROVIDED IN THIS SUBSECTION, BE DATED NO MORE THAN 60 DAYS PRIOR TO THE DATE IT
8 IS PRESENTED:

9 (1) A UTILITY BILL;

10 (2) A CURRENT RESIDENTIAL PROPERTY LEASE;

11 (3) A LOCAL PROPERTY TAX STATEMENT DATED WITHIN 1 YEAR OF THE DATE IT IS
12 PRESENTED;

13 (4) A LOCAL REAL PROPERTY MORTGAGE PAYMENT RECEIPT;

14 (5) A BANK ACCOUNT STATEMENT;

15 (6) PROOF THAT THE APPLICANT HAS A MINOR CHILD CURRENTLY ENROLLED IN A
16 SCHOOL LOCATED WITHIN THE CITY;

17 (7) AN EMPLOYMENT PAY STUB;

18 (8) A JURY SUMMONS OR COURT ORDER ISSUED BY A FEDERAL OR STATE COURT;

19 (9) A FEDERAL OR STATE INCOME TAX OR REFUND STATEMENT DATED WITHIN ONE
20 YEAR OF THE DATE IT IS SUBMITTED;

21 (10) AN INSURANCE BILL (HOMEOWNER'S, RENTER'S, HEALTH, LIFE, OR AUTOMOBILE
22 INSURANCE);

23 (11) WRITTEN VERIFICATION ISSUED BY A HOMELESS SHELTER THAT RECEIVES CITY
24 FUNDING CONFIRMING AT LEAST 15 DAYS RESIDENCY;

25 (12) WRITTEN VERIFICATION ISSUED BY A HOSPITAL, HEALTH CLINIC, OR SOCIAL
26 SERVICES AGENCY LOCATED WITHIN BALTIMORE CITY CONFIRMING AT LEAST 15
27 DAYS RESIDENCY; OR

28 (13) ANY OTHER DOCUMENTATION THAT MOIT DEEMS ACCEPTABLE.

29 **§ 38-9. {Reserved}**

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§ 38-10. CONFIDENTIALITY OF MUNICIPAL ID CARD APPLICATION INFORMATION.

(a) *DOCUMENTS NOT TO BE RETAINED.*

BALTIMORE CITY MAY NOT RETAIN ORIGINALS OR COPIES OF DOCUMENTS PROVIDED BY AN APPLICANT TO PROVE HIS OR HER IDENTITY OR RESIDENCY UNDER § 38-8 {"MUNICIPAL IDENTITY CARD ELIGIBILITY"} OF THIS SUBTITLE.

(B) *CONFIDENTIAL INFORMATION.*

(1) THE CITY MAY NOT DISCLOSE INFORMATION ABOUT MUNICIPAL ID CARD APPLICANTS TO ANY PUBLIC OR PRIVATE ENTITY OR INDIVIDUAL, INCLUDING FEDERAL, STATE, OR CITY IMMIGRATION OR LAW ENFORCEMENT ENTITIES.

(2) INFORMATION TO WHICH THIS SUBSECTION APPLIES INCLUDES:

(I) THE MUNICIPAL ID CARD APPLICATION FORMS;

(II) INFORMATION CONTAINED ON THOSE FORMS OR OBTAINED THROUGH THE CARD APPLICATION PROCESS;

(III) LISTS OF INDIVIDUALS WHO HOLD OR HAVE APPLIED FOR A BALTIMORE CITY ID CARD; AND

(IV) THE FACT OF ANY INDIVIDUAL'S PARTICIPATION IN THE MUNICIPAL ID CARD PROGRAM.

(3) IN THE EVENT OF LITIGATION SEEKING ANY INFORMATION DESCRIBED IN THIS SUBSECTION, BALTIMORE CITY MUST DEFEND AGAINST THE DISCLOSURE OF THAT INFORMATION TO THE MAXIMUM EXTEND POSSIBLE UNDER THE LAW.

§ 38-11. ACCESS TO SERVICES.

(A) *CITY AGENCIES REQUIRED TO ACCEPT BALTIMORE CITY ID CARDS.*

ALL MUNICIPAL AGENCIES AND OFFICES, AND ALL MUNICIPAL EMPLOYEES, INCLUDING LAW ENFORCEMENT OFFICERS, MUST ACCEPT A VALID BALTIMORE CITY ID CARD AS PROOF OF IDENTITY AND RESIDENCY.

(B) *CITY TO ENCOURAGE BALTIMORE CITY ID CARD ACCEPTANCE AND USE.*

(1) THE CITY SHALL SEEK TO EXPAND THE BENEFITS ASSOCIATED WITH THE MUNICIPAL IDENTITY CARD BY PROMOTING THE ACCEPTANCE OF THE MUNICIPAL IDENTITY CARD BY BANKS AND OTHER PUBLIC AND PRIVATE INSTITUTIONS.

(2) THE CITY SHALL SEEK TO ENCOURAGING ALL ELIGIBLE PERSONS TO APPLY FOR THE CARD AND MAY OFFER NEW BENEFITS OR PRIVILEGES EXCLUSIVELY TO THOSE WHO POSSESS A MUNICIPAL IDENTITY CARD AS AN INCENTIVE TO APPLY FOR A MUNICIPAL IDENTITY CARD.

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1 (C) *NO NEW ID REQUIREMENTS.*

2 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, BALTIMORE CITY AGENCIES
3 AND OFFICERS MAY NOT REQUIRE THE POSSESSION OF A MUNICIPAL IDENTITY CARD
4 WHERE IDENTIFICATION IS NOT ALREADY REQUIRED TO OBTAIN CITY SERVICES.

5 (2) AGENCIES MAY REQUIRE THE POSSESSION OF A MUNICIPAL IDENTITY CARD TO OBTAIN
6 BENEFITS OR PRIVILEGES OFFERED EXCLUSIVELY TO THOSE WHO POSSESS A MUNICIPAL
7 IDENTITY CARD AS AN INCENTIVE TO APPLY FOR A MUNICIPAL IDENTITY CARD.

8 **§ 38-12. {Reserved}**

9 **§ 38-13. COUNTERFEIT AND FRAUDULENT BALTIMORE CITY ID CARDS.**

10 (A) *VIOLATIONS.*

11 NO PERSON OR ENTITY MAY:

12 (1) KNOWINGLY PRESENT FALSE INFORMATION IN THE COURSE OF APPLYING FOR A
13 BALTIMORE CITY ID CARD;

14 (2) ALTER, COPY, OR REPLICATE A BALTIMORE CITY ID CARD WITHOUT THE
15 AUTHORITY OF THE CITY OF BALTIMORE; OR

16 (3) USE THE BALTIMORE CITY ID CARD ISSUED TO ANOTHER PERSON, WITH THE
17 INTENT TO CAUSE A THIRD PERSON OR ENTITY TO BELIEVE THE HOLDER OF THE
18 CARD IS THE PERSON TO WHOM THE CARD WAS ISSUED.

19 (B) *CIVIL PENALTY.*

20 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS SUBJECT TO A CIVIL
21 PENALTY OF \$100 THAT MAY BE ENFORCED BY ISSUANCE OF A CIVIL CITATION UNDER
22 SUBTITLE 41 {"CIVIL CITATIONS"} OF THIS ARTICLE.

23 **Subtitle 41. Civil Citations**

24 **§ 41-14. Offenses to which subtitle applies – Listing.**

25 (.25) **ARTICLE 1. MAYOR, CITY COUNCIL, AND MUNICIPAL AGENCIES**

26 § 38-13. COUNTERFEIT AND FRAUDULENT BALTIMORE CITY ID CARDS \$100

27 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
28 are not law and may not be considered to have been enacted as a part of this or any prior
29 Ordinance.

30 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
31 after the date it is enacted.