

Council Bill 16-0652

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, OR ANY
7 SUCCESSOR ENTITY IN THE MAYOR’S OFFICE, OR ANOTHER CITY AGENCY, RESPONSIBLE
8 FOR THE CITY’S INFORMATION TECHNOLOGY NEEDS.

9 **§ 38-2. FINDINGS AND LEGISLATIVE INTENT.**

10 (A) *FINDINGS OF FACT.*

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

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

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

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

28 (B) *LEGISLATIVE INTENT.*

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

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

34 (2) PROVIDE A MUNICIPAL IDENTIFICATION CARD THAT WILL AFFIRM THE GENDER
35 IDENTITY AND RESIDENT STATUS OF ALL BALTIMORE CITY RESIDENTS BY
36 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 PROGRAM,
11 THE MAYOR AND CITY COUNCIL DO NOT INTEND TO EXPAND IDENTIFICATION
12 REQUIREMENTS FOR ACCESS TO BASIC SERVICES OR EXERCISE OF CONSTITUTIONAL
13 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 SERVICES
16 AND BENEFITS WHERE GOVERNMENT-ISSUED IDENTIFICATION WAS NOT PREVIOUSLY
17 REQUIRED, SUCH AS WHEN REGISTERING TO VOTE, CASTING A BALLOT, OR ACCESSING
18 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~~ THE APPLICATION FEE FOR A BALTIMORE CITY ID CARD IS AS SET BY THE
6 BOARD OF ESTIMATES.

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

9 **§ 38-5. MUNICIPAL IDENTITY CARD DESIGN AND CONTENT.**

10 (A) *CARD CONTENT.*

11 (1) A BALTIMORE CITY ID CARD ISSUED UNDER THIS SUBTITLE MUST, AT A MINIMUM,
12 DISPLAY THE CARDHOLDER'S PHOTOGRAPH, NAME, DATE OF BIRTH, ~~ADDRESS~~ A
13 MUNICIPAL IDENTITY CARD NUMBER UNIQUE TO EACH CARD, AND AN EXPIRATION
14 DATE.

15 (2) A BALTIMORE CITY ID CARD ISSUED UNDER THIS SUBTITLE MAY ~~ALSO, AT THE~~
16 ~~CARDHOLDER'S OPTION,~~ NOT DISPLAY THE CARDHOLDER'S ~~SELF-DESIGNATED~~ GENDER.

17 (B) *SECURE DESIGN.*

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

20 **§ 38-6. MUNICIPAL IDENTITY CARD APPLICATIONS.**

21 (A) *AVAILABLE AT CITY AGENCIES.*

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

25 (B) *AVAILABLE ON-LINE.*

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

27 **§ 38-7. LANGUAGE ASSISTANCE SERVICES.**

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

32 (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 (A) ~~(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~~ AN IDENTITY
3 DOCUMENT RECOGNIZED BY LOCAL HOMELESS SHELTERS ALLOWING INDIVIDUALS
4 EXPERIENCING HOMELESSNESS TO ACCESS SHELTERS OR OTHER SERVICES.

5 (B) ~~(C)~~ *PROOF OF CITY RESIDENCY.*

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

11 (1) A UTILITY BILL;

12 (2) A CURRENT RESIDENTIAL PROPERTY LEASE;

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

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

16 (5) A BANK ACCOUNT STATEMENT;

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

19 (7) AN EMPLOYMENT PAY STUB;

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

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

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

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

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

30 ~~(13) ANY OTHER DOCUMENTATION THAT MOIT DEEMS ACCEPTABLE.~~

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1 (C) HOMELESS RESIDENCY.

2 AN INDIVIDUAL EXPERIENCING HOMELESSNESS MAY ESTABLISH CITY RESIDENCY BY
3 PRODUCING ANY DOCUMENT RECOGNIZED BY LOCAL HOMELESS SHELTERS ALLOWING THE
4 INDIVIDUAL TO ACCESS SHELTERS OR OTHER SERVICES.

5 **§ 38-9. {Reserved}**

6 **§ 38-10. CONFIDENTIALITY OF MUNICIPAL ID CARD APPLICATION INFORMATION.**

7 (a) *DOCUMENTS NOT TO BE RETAINED.*

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

11 ~~(B) CONFIDENTIAL INFORMATION.~~

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

15 ~~(2) INFORMATION TO WHICH THIS SUBSECTION APPLIES INCLUDES:~~

16 ~~(i) THE MUNICIPAL ID CARD APPLICATION FORMS;~~

17 ~~(ii) INFORMATION CONTAINED ON THOSE FORMS OR OBTAINED THROUGH THE CARD~~
18 ~~APPLICATION PROCESS;~~

19 ~~(iii) LISTS OF INDIVIDUALS WHO HOLD OR HAVE APPLIED FOR A BALTIMORE~~
20 ~~CITY ID CARD; AND~~

21 ~~(iv) THE FACT OF ANY INDIVIDUAL'S PARTICIPATION IN THE MUNICIPAL ID CARD~~
22 ~~PROGRAM.~~

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

26 (B) ONLY DE-IDENTIFIED INFORMATION TO BE RETAINED.

27 (1) THE CITY MAY NOT RETAIN OR CREATE LISTS OF THE NAMES OR ADDRESSES OF
28 MUNICIPAL ID CARD APPLICANTS OR HOLDERS.

29 (2) ANY DATA OR INFORMATION ABOUT MUNICIPAL ID CARD APPLICANTS OR HOLDERS
30 RETAINED BY THE CITY MUST BE DE-IDENTIFIED AND INCAPABLE OF BEING LINKED TO
31 A SPECIFIC INDIVIDUAL BY NAME.

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1 (C) FRAUD PREVENTION.

2 MOIT MUST DEVELOP A PROGRAM TO DETECT AND PREVENT FRAUDULENT USE OF
3 MUNICIPAL IDENTITY CARDS AND MAY RETAIN DESCRIPTIVE OR DEMOGRAPHIC DATA TIED
4 TO A PARTICULAR ID CARD BY CARD NUMBER AS PART OF THIS FRAUD PREVENTION
5 PROGRAM.

6 **§ 38-11. ACCESS TO SERVICES.**

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

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

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

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

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

19 (C) *NO NEW ID REQUIREMENTS.*

20 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, BALTIMORE CITY AGENCIES
21 AND OFFICERS MAY NOT REQUIRE THE POSSESSION OF A MUNICIPAL IDENTITY CARD
22 WHERE, AS OF JULY 1, 2017, IDENTIFICATION ~~IS~~ WAS NOT ALREADY REQUIRED TO
23 OBTAIN CITY SERVICES.

24 (2) AGENCIES MAY REQUIRE THE POSSESSION OF A MUNICIPAL IDENTITY CARD TO OBTAIN
25 BENEFITS OR PRIVILEGES ESTABLISHED AFTER JULY 1, 2017 AND OFFERED
26 EXCLUSIVELY TO THOSE WHO POSSESS A MUNICIPAL IDENTITY CARD AS AN INCENTIVE
27 TO APPLY FOR A MUNICIPAL IDENTITY CARD.

28 **§ 38-12. {Reserved}**

29 **§ 38-13. COUNTERFEIT AND FRAUDULENT BALTIMORE CITY ID CARDS.**

30 (A) *VIOLATIONS.*

31 NO PERSON OR ENTITY MAY:

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

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

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

6 (B) *CIVIL PENALTY.*

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

10 **Subtitle 41. Civil Citations**

11 **§ 41-14. Offenses to which subtitle applies – Listing.**

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

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

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

17 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on ~~the 30th day~~
18 ~~after the date it is enacted~~ July 1, 2017.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City