

ACT TO PREPARE INMATES FOR RE-ENTRY AND THE WORKFORCE

BE IT ENACTED BY THE PEOPLE OF THE STATE OF _____:

Section 1.

- (A) When any inmate shall be discharged from a term of imprisonment for a felony offense and the intended residence designated by the inmate is within this state, the Department of Corrections shall provide the inmate with relevant documentation to assist the inmate in obtaining post-release employment and shall coordinate with the [relevant state agency] to provide a state-issued identification card if the inmate does not have a current state-issued identification card or driver license.
- (B) (1) Within nine (9) months prior to the release of an inmate from custody, the Department of Corrections, in coordination with the [relevant state agency], shall identify whether the inmate has a current form of state identification and begin the process of gathering the documentation required for the issuance of a state-issued identification card pursuant to the process provided by state law.
- (2) The Department of Corrections shall coordinate with the [relevant state agency] to provide state-issued identification cards to all eligible inmates who do not have a current state issued identification card or driver license upon their release from custody. The identification cards shall be issued, replaced, canceled and denied in the same manner as driver licenses in this state.
- (3) The [relevant state agency] shall allow the use of a certified copy of a birth certificate coupled with a Department of Corrections issued record card to serve as a valid form of photo identification documentation to obtain a state-issued identification card.
- (4) State-issued identification cards issued with a record card from the Department of Corrections for inmates shall be valid for a period of four (4) years from the month of issuance for an allowable fee to be determined by the [relevant state agency] and are nonrenewable and nontransferable.
- (5) The Department of Corrections may utilize any funds available to cover the costs associated with the implementation and administration of this section and the purchase of state-issued identification cards, including, but not limited to, inmate trust funds, existing funds of the Department of Corrections and donations.
- (6) The provisions of this section shall apply only to inmates who may receive a state-issued identification card pursuant to the standards established by state law.

- (C) For purposes of assisting an inmate in obtaining post-release employment, the Department of Corrections shall provide the inmate with the following documentation:
- (1) A copy of the vocational training record of the inmate, if applicable;
 - (2) A copy of the work record of the inmate, if applicable;
 - (3) A certified copy of the birth certificate of the inmate, if obtainable;
 - (4) A Social Security card or a replacement Social Security card of the inmate, if obtainable;
 - (5) A resume that includes any trade learned by the inmate and the proficiency at that trade by the inmate; and
 - (6) Documentation that the inmate has completed a practice job interview.
 - (7) A notification to the inmate if he or she is eligible to apply for a license from a state entity charged with oversight of an occupational license or certification.
- (D) The following categories of inmates are not required to complete resumes or practice job interviews prior to their release from incarceration:
- (A) Inmates sixty-five (65) years of age or older;
 - (B) Inmates releasing to medical parole or discharging from a prison infirmary setting;
 - (C) Inmates releasing to the custody of another jurisdiction on a warrant or detainer; and
 - (D) Inmates that the Department determines would be physically or mentally unable to return to the workforce upon release from incarceration.

Section 2.

- (A) In addition to the documents provided under Section 1 of this Act, The Department of Corrections shall issue a certificate of employability to a prisoner if all of the following apply:
- (1) The prisoner achieved one (1) or both of the following:
 - (a) While incarcerated, successfully earned one (1) or more of the following:

(i) An educational credit pursuant to [Insert Relevant Statute];

(ii) A program completion credit pursuant to [Insert Relevant Statute];

(iii) A work-for-time credit pursuant to [Insert Relevant Statute];

(iv) [Insert Any Other Relevant Program and Statute]]

(b) Prior to incarceration, earned a High School Equivalency Diploma, a high school diploma, a college degree, certification from a vocational or technical education program, or a diploma or degree from a correspondence postsecondary education program;

(2) The prisoner received no major disciplinary violations during the year immediately preceding his or her release; and

(3) The prisoner received a score or level of competence as determined by The Department of Corrections on a job skills assessment test administered by The Department of Corrections or jail.

(B) A certificate of employability issued pursuant to subsection (3) of this section shall:

(1) Be issued to the prisoner when he or she is released from a correctional facility;

(2) Be on a form provided by The Department of Corrections;

(3) Be valid unless revoked by The Department of Corrections; and

(4) Not create relief from:

(a) A requirement to register as a sex offender under [Insert Relevant Statute];

(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation;

(c) A restriction on employment as a prosecutor or law enforcement officer; or

(d) The denial, ineligibility, or automatic suspension of a health care professional's license due to a substance use disorder.

(C) (1) The Department of Corrections shall revoke the certificate of employability provided under this section of any individual who is convicted of a felony after receiving a certificate of employability.

(2) The Department of Corrections shall provide an individual whose certificate of employability has been revoked under this subsection an opportunity to file a grievance through The Department of Corrections's prisoner grievance system. The revocation of a certificate of employability is effective when the individual is notified of the revocation.

(3) The revocation of a certificate of employability does not affect the right of an employer to rely on the validity of the certificate of employability unless the employer knew before the individual was employed that the certificate of employability was fraudulent.

(D) An individual shall not intentionally state or otherwise represent that he or she has a valid certificate of employability issued by The Department of Corrections knowing that the statement or representation is false. An individual who violates this subsection shall be guilty of a Class B misdemeanor.

(E) Upon request, The Department of Corrections shall confirm whether a certificate of employability has been issued to a named individual and whether the certificate is valid at the time of the inquiry and at the time of The Department of Corrections's response to that inquiry.

(F) The Department of Corrections is not civilly liable for damages based upon its decision to issue or deny issuance of a certificate of employability to any prisoner or for revoking or failing to revoke a certificate of employability issued to any prisoner.

(G) (1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of employability issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of employability was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of employability issued to an individual under this section may be a defense for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence, except in cases where the employer knew or should have known the employee should not be hired for the position due to the nature of his or her history, including criminal history.

(H) The Department of Corrections shall notify incoming prisoners of the possibility to earn a certificate of employability.

(I) The Department of Corrections shall submit an annual report no later than [Insert Date] of each year to the Governor and the General Assembly, which shall include the number of certificates of employability issued in the preceding twelve (12) months, the rate of recidivism among released prisoners previously issued certificates of employability, and any other information The Department of Corrections deems appropriate to include.

Section ~~2~~ 3. The Department of Corrections and the [relevant state agency] are authorized to promulgate rules and procedures to implement the provisions of Sections 1 and 2.

Section ~~3~~ 4. This act shall become effective on [DATE].