

MEMORANDUM OF UNDERSTANDING

**Between the
MICHIGAN DEPARTMENT OF STATE
and the
MICHIGAN DEPARTMENT OF CORRECTIONS
regarding
USE OF PRISONER IDENTIFICATION CARDS FOR THE
PURPOSE OF APPLYING FOR DRIVER'S LICENSES AND
PERSONAL IDENTIFICATION CARDS
and
EXCHANGE OF INFORMATION NECESSARY TO VERIFY
AN APPLICANT'S IDENTITY**

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to set forth the agreement between the Michigan Department of State (DOS) and the Michigan Department of Corrections (DOC) regarding the use of an applicant's DOC-issued prisoner identification card as part of a secondary source of identification for the purpose of applying for an original Michigan driver's license or state personal identification card. This MOU also governs the exchange of information necessary to verify the genuineness of a prisoner identification card and to establish a person's identity for driver's license and state personal identification card application purposes.

II. STATUTORY CONSIDERATIONS

The Michigan Vehicle Code (MVC), 1949 PA 300, MCL 257.1 *et seq.*, provides for the issuance of a driver's license upon presentment of an applicant's birth certificate "or other sufficient documents or identification as the secretary of state may require." MCL 257.307(1). The State Personal Identification Card Act, 1972 PA 222, MCL 28.291 *et seq.*, allows a person to obtain a state identification card if the person provides "a birth certificate attesting to his or her age or other sufficient documents or identification as the secretary of state may require." MCL 28.291(1). The DOS is responsible for issuing both forms of identification.

The DOS is required to "examine and determine the genuineness, regularity, and legality of every application for ... an operator's or chauffeur's license ... and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity, or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law." MCL 257.209.

III. AGREEMENT

A. PROVISION OF SAMPLE PRISONER IDENTIFICATION CARDS

The DOC shall provide to the DOS samples of previously issued prisoner identification cards and a sample of a current prisoner identification card bearing a sample name and photograph. The samples provided by the DOC under this MOU shall be incorporated into the Identity Document Manual of the DOS and be made available for reference by DOS personnel. If a sample card furnished under this MOU includes the signature of a DOC representative, the DOC must provide to the DOS a complete list of all authorized signatures appearing on prisoner identification cards issued by the DOC. The DOC shall promptly notify and provide a sample to the DOS of any change in the format of the prisoner identification card, and shall notify and provide a sample to the DOS of any change in the authorized signature printed upon a prisoner identification card. The DOC shall inform the DOS of security features existing in the prisoner identification card design, if any, to assist the DOS in ascertaining whether an applicant's prisoner identification card may have been reproduced, altered, counterfeited, forged, or otherwise compromised.

B. USE OF PRISONER IDENTIFICATION CARDS AS PART OF A SECONDARY SOURCE OF IDENTIFICATION FOR THE ISSUANCE OF AN ORIGINAL DRIVER'S LICENSE OR STATE PERSONAL IDENTIFICATION CARD

The DOS shall accept a genuine prisoner identification card issued by the DOC as a secondary group document for the purpose of determining whether to issue an original Michigan driver's license or state personal identification card, provided that, (1) the prisoner identification card contains the applicant's full legal name, (2) the name printed on the prisoner identification card matches the applicant's full legal name provided on any legal document(s) required to be submitted to the DOS, and (3) the photograph included on the prisoner identification card is a recent photo and resembles the applicant.

An applicant who presents a genuine prisoner identification card issued by the DOC as a secondary group document must satisfy all other legal requirements prescribed by the MVC and State Personal Identification Card Act before the DOS may issue an original driver's license or state personal identification card to him or her.

C. VERIFICATION OF PRISONER IDENTIFICATION CARDS AND DISCLOSURE OF PERSONAL INFORMATION

Upon request, the DOC shall verify the genuineness of a prisoner identification card presented by an applicant to the DOS, and disclose to the DOS such personal information maintained by the DOC as is necessary to assist in verifying the applicant's identity or to assist the applicant in obtaining the document(s) necessary to verify his or her identity. The personal information provided to the DOS under this MOU may include, but shall not be limited to, an applicant's full legal name, date of birth, social security number; an applicant's known alias(es), if any; and other biographical information that may assist the DOS in verifying the applicant's identity.

The DOC shall also furnish to the DOS electronic, read-only access to DOC's OMNI database. The number of DOS employees who may be authorized to access this database will be determined by the DOS but shall be limited to those with a demonstrable need to obtain information contained in the database.

The DOS will request from the DOC an OMNI User ID for each DOS employee authorized by the DOS to access the OMNI database and the DOS will provide for the security of the User IDs issued by the DOC. All DOS employees for whom an OMNI User ID is requested shall be required to be reviewed by the DOC for security clearance. An OMNI User ID shall be used only by the authorized user for whom security clearance has been granted by the DOC. The DOS shall notify the DOC within three business days if an authorized user has separated from employment or is no longer authorized to access the OMNI database.

IV. CONFIDENTIALITY OF INFORMATION

Information and records provided to the DOS by the DOC under this MOU may be recorded and maintained by the DOS, and may be exempt from disclosure as provided in section 208c and related provisions of the MVC, MCL 257.208c, section 8 and related provisions of the State Personal Identification Card Act, MCL 28.298, and the Freedom of Information Act, 1976 PA 442, MCL 15.231 *et seq.*

V. NOTICE

Any notice permitted or required by this MOU must be provided in writing to the designated representative of the other party.

VI. REPRESENTATIVES

The DOS and DOC agree to designate representatives who shall be the official point of contact for all matters pertaining to this MOU and to whom all notices and other communications shall be directed.

Notice of the designation of a representative shall be provided to the other party within 30 days of the effective date designated under Section IX. of this MOU, and shall contain the name, title, address, e-mail address, and telephone number of the designated representative. A party may designate a new representative at any time by notice to the other party's representative, and such designation shall be effective upon receipt by the other party's representative.

VII. AMENDMENTS

This MOU may be amended only by means of a written amendment signed by both the DOS and the DOC.

VIII. DURATION

This MOU shall remain in effect until terminated by either party upon 30 days notice to the other party. Termination may occur for any reason.

IX. EFFECTIVE DATE

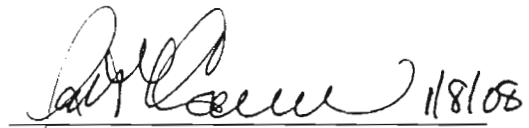
This MOU shall become effective on the later of the two dates recorded below.

X. SIGNATORIES

The signatories named below warrant that they are authorized to execute this MOU on behalf of their respective departments.

Handwritten signature of Brian DeBano in black ink, written over a horizontal line. To the right of the signature is the date "1/8/08".

Brian DeBano
Chief of Staff / Chief Operating Officer
Department of State

Handwritten signature of Patricia L. Caruso in black ink, written over a horizontal line. To the right of the signature is the date "1/8/08".

Patricia L. Caruso
Director
Department of Corrections