

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Galluccio

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to consular identification.

PETITION OF:

NAME:

Mr. Galluccio

DISTRICT/ADDRESS:

Middlesex, Suffolk and Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CONSULAR IDENTIFICATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. As used in this act, the following words shall, unless the context otherwise
2 requires, have the following meanings:-
- 3 'Consular identification document', an official identification card issued by a foreign government
4 that meets all of the following requirements:
- 5 (a) The consular identification document is issued through the foreign government's consular
6 offices for the purpose of identifying a foreign national who is living outside of that nation.
- 7 (b) The foreign government requires an individual to provide the following to obtain the consular
8 identification document: (1) proof of nationality; (2) proof of identity; and (3) proof of residence
9 in the consular district.
- 10 (c) The foreign government includes the following security features in the consular identification
11 document: (1) a unique identification number; (2) an optically variable feature such as a
12 hologram or color-shifting inks; (3) an ultraviolet image; (4) encoded information; (5) machine
13 readable technology; (6) micro printing; (7) secure laminate; and (8) integrated photograph and
14 signature.
- 15 (d) The consular identification document includes the following data: (1) the name and address
16 of the individual to whom it is issued; (2) the date of issuance; (3) the date of expiration; (4) the
17 name of the issuing consulate; and (5) an identification number. The consular identification
18 document must include an English translation of the data fields.

20 (e) The issuing consulate has filed with the department of state police a copy of the issuing
21 consulate's consular identification document and a certification of the procedures that are used to
22 satisfy the requirements in subsections (a)-(d).

23 SECTION 2. (a) Notwithstanding any general or special law to the contrary, when requiring
24 members of the public to provide identification, each state agency, department and employee
25 thereof and each municipality and employee thereof shall accept a consular identification
26 document as valid identification of a person.

27 (b) A consular identification document shall be accepted for purposes of identification only and
28 does not convey an independent right to receive benefits of any type.

29 (c) A consular identification document may not be accepted as identification for obtaining a
30 driver's license or registering to vote.

31 (d) A consular identification document does not establish or indicate lawful U.S. immigration
32 status and may not be viewed as valid for that purpose, nor does a consular identification
33 document establish a foreign national's right to be in the United States or remain in the United
34 States.

35 (e) The requirements of subsection (a) do not apply if: (1) a federal law, regulation, or directive
36 or a federal court decision requires a state agency, department and employee thereof and each
37 municipality and employee thereof to obtain different identification; (2) a federal law, regulation,
38 or directive preempts state regulation of identification requirements; or (3) a state agency,
39 department and employee thereof or a municipality and employee thereof would be unable to
40 comply with a condition imposed by a funding source which would cause the state agency or
41 department or the municipality to lose funds from that source.

42 (f) Nothing in subsection (a) shall be construed to prohibit a state agency, department and
43 employee thereof or a municipality and employee thereof from: (1) requiring additional
44 information from persons in order to verify a current address or other facts that would enable the
45 state agency, department and employee thereof or the municipality and employee thereof to
46 fulfill its responsibilities, provided that a state agency, department and employee thereof or a
47 municipality and employee thereof is not permitted to require additional information solely in
48 order to establish identification of the person when the consular identification document is the
49 form of identification presented; (2) requiring fingerprints for identification purposes under

50 circumstances where the state agency or department or the municipality also requires fingerprints
51 from persons who have a driver's license or identification card issued pursuant to section 8E of
52 chapter 90 of the general laws; or (3) requiring additional evidence of identification if the state
53 agency, department and employee thereof or the municipality and employee thereof reasonably
54 believes that: (i) the consular identification document is forged, fraudulent, or altered; or (ii) the
55 holder does not appear to be the same person on the consular identification document.

56 SECTION 3. Use by a state agency, department or employee thereof or a municipality and
57 employee thereof of information collected from, or appearing on, a consular identification
58 document is subject to the same privacy and disclosure limitations that apply to a Massachusetts
59 drivers license or identification card.