

117TH CONGRESS
2D SESSION

S. 5120

To amend the Second Chance Act of 2007 to require identification for returning citizens, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 17, 2022

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend the Second Chance Act of 2007 to require identification for returning citizens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “New Pathways Act”.

5 **SEC. 2. IDENTIFICATION FOR RETURNING CITIZENS.**

6 Section 231(b) of the Second Chance Act of 2007 (34
7 U.S.C. 60541(b)) is amended to read as follows:

8 “(b) IDENTIFICATION AND RELEASE ASSISTANCE
9 FOR FEDERAL PRISONERS.—

10 “(1) DEFINITIONS.—In this subsection—

1 “(A) the term ‘community confinement’
2 means residence in a community treatment cen-
3 ter, halfway house, restitution center, mental
4 health facility, alcohol or drug rehabilitation
5 center, or other community facility;

6 “(B) the term ‘direct-release prisoner’
7 means a prisoner who is scheduled for release
8 and will not be placed in prerelease custody;

9 “(C) the term ‘noncitizen covered indi-
10 vidual’—

11 “(i) means an individual in the cus-
12 tody of the Bureau of Prisons or sentenced
13 to a term in community confinement
14 who—

15 “(I) is lawfully present and eligi-
16 ble for employment authorization in
17 the United States; and

18 “(II) has a document dem-
19 onstrating that the individual will
20 have a place of residence upon release;
21 and

22 “(ii) includes an alien lawfully admit-
23 ted for permanent residence (as defined in
24 section 101(a) of the Immigration and Na-
25 tionality Act (8 U.S.C. 1101(a))), a ref-

1 ugee (as defined in that section of that
2 Act), and an asylee; and

3 “(D) the term ‘United States citizen cov-
4 ered individual’ means an individual in the cus-
5 tody of the Bureau of Prisons or sentenced to
6 a term in community confinement who has—

7 “(i) a social security card;

8 “(ii) a document described in para-
9 graph (2)(B)(ii) as proof of United States
10 citizenship; and

11 “(iii) a document demonstrating that
12 the individual will have a place of residence
13 upon release.

14 “(2) OBTAINING IDENTIFICATION FOR UNITED
15 STATES CITIZENS.—

16 “(A) IN GENERAL.—With respect to a
17 United States citizen covered individual, the Di-
18 rector shall provide a photo identification card,
19 which shall comply with the minimum require-
20 ments described in section 202(b) of the REAL
21 ID Act of 2005 (49 U.S.C. 30301 note), prior
22 to—

23 “(i) the release of the United States
24 citizen covered individual from a term of
25 imprisonment in a Federal prison; or

1 “(ii) the release of the United States
2 citizen covered individual from a sentence
3 to a term in community confinement.

4 “(B) ASSISTANCE IN OBTAINING DOCU-
5 MENTS.—

6 “(i) IN GENERAL.—Subject to clause
7 (iii), for the purpose of issuing an identi-
8 fication card under this subsection, the Di-
9 rector shall obtain, on behalf of United
10 States citizen covered individuals—

11 “(I) a social security card; and

12 “(II) a document described in
13 clause (ii) as proof of United States
14 citizenship.

15 “(ii) PROOF OF UNITED STATES CITI-
16 ZENSHIP.—A document described in this
17 clause is—

18 “(I) a United States passport;

19 “(II) an original or certified copy
20 of a birth certificate that indicates
21 that the individual was born in the
22 United States or a territory of the
23 United States;

24 “(III) in the case of a United
25 States citizen born inside the United

1 States for whom a document de-
2 scribed in subclause (I) or (II) is not
3 available, any document described in
4 subsection (a), (b), or (c) of section
5 435.407 of title 42, Code of Federal
6 Regulations, or any successor thereto;
7 or

8 “(IV) in the case of a United
9 States citizen born outside the United
10 States, an original or certified copy
11 of—

12 “(aa) a certificate of natu-
13 ralization (Form N-550 or N-
14 570);

15 “(bb) a consular report of
16 birth abroad (Form FS-240);

17 “(cc) a certification of birth
18 abroad (Form FS-545);

19 “(dd) a certification of re-
20 port of birth (Form DS-1350);
21 or

22 “(ee) a certificate of citizen-
23 ship (Form N-560).

24 “(iii) EXCEPTIONS.—

1 “(I) LACK OF RESPONSE FROM
2 FEDERAL OR STATE AGENCY.—If the
3 Director cannot obtain a copy of a
4 document required under clause (i)
5 because of inaction by the Federal or
6 State agency from which the docu-
7 ment was requested, the Director
8 shall provide to the United States cit-
9 izen covered individual—

10 “(aa) a written statement
11 that explains what steps the Di-
12 rector took in trying to obtain
13 the document; and

14 “(bb) any documents trans-
15 mitted to the Director by the
16 Federal or State agency in re-
17 sponse to the request for the doc-
18 ument.

19 “(II) LACK OF AUTHORIZATION
20 FROM UNITED STATES CITIZEN COV-
21 ERED INDIVIDUAL.—If the Director
22 cannot obtain a copy of a document
23 required under clause (i) because the
24 United States citizen covered indi-
25 vidual does not provide the authoriza-

1 tion required to obtain the document,
2 the Director shall provide a written
3 statement to the United States citizen
4 covered individual that explains why
5 the document was not obtained.

6 “(C) PROVISION OF DOCUMENTS.—Upon
7 issuance of an identification card to a covered
8 individual under this paragraph, the Director
9 shall provide all documents obtained for the
10 United States citizen covered individual under
11 subparagraph (B).

12 “(3) OBTAINING DOCUMENTS FOR NONCITI-
13 ZENS.—

14 “(A) IN GENERAL.—With respect to a non-
15 citizen covered individual, the Director shall as-
16 sist in obtaining from the Director of the U.S.
17 Citizenship and Immigration Services—

18 “(i) proof of lawful status in the
19 United States of the noncitizen covered in-
20 dividual; and

21 “(ii) in the case of a noncitizen cov-
22 ered individual who is not admitted for
23 lawful permanent residence, an employ-
24 ment authorization document.

1 “(B) ASSISTANCE.—The assistance pro-
2 vided by the Director under subparagraph (A)
3 shall include—

4 “(i) providing the noncitizen covered
5 individual with applicable U.S. Citizenship
6 and Immigration Services forms and in-
7 structions; and

8 “(ii) assisting the noncitizen covered
9 individual in completing and submitting
10 such forms, together with any required
11 supporting documentation.

12 “(C) PROVISION OF DOCUMENTS.—Upon
13 receipt of a document for a noncitizen covered
14 individual under this paragraph, the Director
15 shall provide such document to the noncitizen
16 covered individual.

17 “(4) ASSISTANCE DEVELOPING RELEASE
18 PLAN.—At the request of a direct-release prisoner, a
19 representative of the United States Probation Sys-
20 tem shall, prior to the release of that prisoner, help
21 that prisoner develop a release plan.”.

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