PROJECT TIDESHIFT JUSTICE

CLOSING DELAWARE'S DAY-ONE IDENTIFICATION GAP

A legislative record and implementation plan to strengthen Senate Bill 171 so an eligible person has an official Delaware DMV identification card in hand before release—and so people experiencing homelessness have a lawful, workable route to the same credential

DECISION REPORT | **FOR MEMBERS OF THE DELAWARE GENERAL ASSEMBLY**

THE LEGISLATIVE DECISION

Amend the enacted SB 171 framework so that referral and fee waiver become a completed, verified outcome: 100% screening, timely source-document work, DMV adjudication before release, physical delivery and signed receipt, a lawful homelessness-residency pathway, written exception ownership, and public performance reporting.

Prepared for	Delaware legislators and executive-branch implementation partners
Prepared by	Project Tideshift Justice
Date	August 24, 2026
Status	Policy report; final statutory language should be prepared by legislative counsel

Scope note. This report concerns official Delaware DMV identification. It does not promise driving privileges or eligibility that state or federal law forbids, and it does not claim that one card is accepted for every possible transaction.

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READ THIS FIRST

The first four pages state the decision, the gap in present law, the requested amendment, and the fiscal/accountability conditions. Sections 5–13 provide the supporting record; Section 14 supplies proposed legislative findings in WHEREAS form.

1. Executive decision brief

RECOMMENDATION

Enact a narrow but outcome-based amendment to 29 Del. C. § 8915 and conforming provisions. Require the State to begin early, finish DMV adjudication before release, place the physical credential in the eligible person's hand before the person crosses the facility threshold, and publicly account for every exception.

Delaware already recognized the problem. Senate Bill 171 was introduced on April 18, 2018, passed both chambers, and was signed on October 1, 2018. The resulting session law created the Delaware Personal Credential Card (DPCC), written instructions, and waivers for one Delaware birth certificate and one DMV identification card or driver license. The current statute remains codified at 29 Del. C. § 8915.[1][2][3]

The General Assembly's judgment was sound: the bill synopsis expressly connected lack of identification with barriers to housing and employment. The policy also aligns with the Department of Correction's stated mission to protect the public and promote successful reentry. But the enacted mechanism stops one decisive step too soon. A DPCC is not a DMV identification card; instructions are not adjudication; and a fee waiver does not produce missing source documents, acceptable proof of residency, an appointment, a card, or a signed handoff.[4][5]

The proposed amendment should convert the system from a referral model to a completion model. Its governing standard should be: every person is screened; every legally eligible person is processed; every approved card is physically delivered before exit; and every unresolved case has a written legal or operational reason, a named owner, a dated next action, and transportation or outreach when needed. Release must never be delayed solely because a credential is incomplete.[6]

The requested legislative package

- Make a non-driver Delaware identification card the baseline; provide a driver license only when the person independently satisfies licensing requirements.
- Start at intake or no later than 180 days before reasonably anticipated release, with accelerated procedures for shorter or unexpected custody.
- Require DOC, DMV, Vital Statistics, DHSS, and—through a valid federal prerelease agreement—the Social Security Administration to resolve source documents before the release date.
- Require a physical card in hand before the person steps outside the facility, subject only to enumerated lawful exceptions that do not extend custody.
- Create a statewide, non-corrections pathway for eligible people experiencing homelessness or document loss, using existing alternative-residency authority, provider certification, mobile service, and reserved appointments.

[1] Delaware General Assembly, Senate Bill 171, 149th General Assembly, bill detail (introduced Apr. 18, 2018; signed Oct. 1, 2018), https://legis.delaware.gov/BillDetail?LegislationId=26466 (accessed Aug. 24, 2026).
[2] 81 Del. Laws ch. 447 (2018), official session law, https://legis.delaware.gov/SessionLaws/Chapter/GetPdfDocument?fileAttachmentId=354286 (accessed Aug. 24, 2026).
[3] 29 Del. C. § 8915, current Delaware Code, https://delcode.delaware.gov/title29/c089/sc01/ (accessed Aug. 24, 2026).
[4] Delaware General Assembly, SB 171 synopsis. The synopsis states that lack of identification presents barriers to obtaining housing and employment. https://legis.delaware.gov/BillDetail?LegislationId=26466.
[5] Delaware Department of Correction, About DOC. Its published mission includes protecting the public and promoting successful reentry. https://doc.delaware.gov/views/about.blade.shtml (accessed Aug. 24, 2026).
[6] The proposed bill should protect the release date: failure to complete an ID transaction must not extend custody. A same-day or next-business-day exception route is a fallback, not success on the pre-release performance measure.

- Require a signed receipt, written exception codes, monthly reconciliation, a public dashboard, annual independent review, privacy controls, and a refreshed fiscal baseline.

Decision standard

Legislators need not accept an unbounded claim that a state card is mandatory for every activity. Delaware does not require photo ID to vote; an eligible voter without it may use the State's affirmation process. A non-REAL-ID card also cannot, by itself, satisfy federal airport-security rules after May 7, 2025. The persuasive case is narrower and stronger: a DMV-issued credential is the State's most portable, widely recognized identity tool for ordinary government and commercial use. Delaware can issue it over the counter the same day when a qualified applicant presents the required documentation.[7][8][9]

THE TEST

Does the bill assign enough time, authority, proof, money, and accountability to turn an eligible applicant into a completed DMV transaction before release? If not, the day-one gap remains.

2. What SB 171 did—and the gap it left

SB 171 applies to a person released after conviction and at least six months of incarceration. Before release from Level IV or Level V custody, DOC must issue a DPCC and provide written instructions on obtaining a Delaware birth certificate and a DMV identification card or driver license. The DPCC supports fee waivers. Current law sets a $40 fee for a Delaware identification card and recognizes the DPCC waiver; Vital Statistics may charge up to $25 for a certificate and recognizes the corresponding birth-certificate waiver.[10][11][12]

Current SB 171 result	Unresolved failure point	Required amendment result
DOC credential card	Not a DMV state ID	**DMV card or license, if eligible**
Written instructions	Applicant still must navigate agencies	**State-managed case to completion**
Fee waiver	Does not solve missing source documents	**Birth/SSA/residency work starts early**
Covered after ≥6 months	Shorter stays and other release paths excluded	**Screen all releases; prioritize foreseeable cases**
Policy coordination	No public physical-ID outcome measure	**Named owners, receipt, reasons, dashboard, audit**
No homeless-specific completion duty	Address/mail catch-22 may persist	**Certified shelter/temporary-lodging and outreach route**

[7] Delaware Department of Elections, Voting FAQ. Delaware does not require photo identification to vote; a voter without ID may complete an Affirmation of Voter Identity if otherwise qualified. https://elections.delaware.gov/voter/VotingFAQ.html (accessed Aug. 24, 2026).
[8] Transportation Security Administration, Identification, stating that beginning May 7, 2025, state-issued cards that are not REAL ID compliant are not accepted at airport security checkpoints, although other listed identification may be accepted. https://www.tsa.gov/travel/security-screening/identification (accessed Aug. 24, 2026).
[9] Delaware Division of Motor Vehicles, SecureID. Delaware describes same-day, over-the-counter issuance for qualified customers who present the required documentation. https://dmv.de.gov/DriverServices/drivers_license/secureID/index.shtml (accessed Aug. 24, 2026).
[10] 29 Del. C. § 8915(a)-(c). The statute covers an individual released after a conviction and at least six months of incarceration, requires issuance of a Delaware Personal Credential Card, and requires written instructions on obtaining a birth certificate and identification card or license. https://delcode.delaware.gov/title29/c089/sc01/.
[11] 21 Del. C. § 3103, current Delaware identification-card provisions, including an eight-year term, a $40 fee, eligibility restrictions, and the SB 171 fee waiver. https://delcode.delaware.gov/title21/c031/index.html (accessed Aug. 24, 2026).
[12] 16 Del. C. § 3132(a), (g), authorizing a fee not to exceed $25 for a certificate or search and waiving the fee for a person presenting a valid Delaware Personal Credential Card. https://delcode.delaware.gov/title16/c031/sc02/index.html (accessed Aug. 24, 2026).

The legal gap is visible in the verbs. Section 8915 requires DOC to issue the DPCC and provide instructions; it does not expressly require DMV to adjudicate an application before release or DOC to place a DMV card in the person's hand. It also excludes people incarcerated for fewer than six months, people whose release route does not match the statute, and people outside corrections who are homeless or have lost their identity documents.[13]

Legislative history and implementation clock

Date	Event	Meaning
Apr. 18, 2018	SB 171 introduced	Proposed the Delaware Personal Credential Card and fee waivers.
May 2 / June 28	Passed Senate / House	Won approval in both chambers.
Oct. 1, 2018	Signed; policy duty effective	Interagency policy subsection took effect immediately.
Mar. 30, 2019	Remainder effective	Credential-card, instructions, and fee-waiver provisions became operative.
2026 decision	Close the completion gap	Make verified DMV adjudication and physical delivery the measured outcome.

The session law made the joint-policy subsection effective immediately and the remaining provisions effective 180 days after enactment. The bill history records a complete legislative path in 2018; the present decision is therefore not whether to create SB 171, but whether to amend an enacted structure that has never been defined by the outcome 'DMV ID in hand before exit.'[14][15]

The synopsis states that the DPCC built on Delaware's 2012 I-ADAPT pilot. That history supports incremental reform: retain the DPCC as a temporary corrections credential and fee-waiver key, but make it the front end of a completed DMV process rather than the endpoint.[16]

3. Who, what, when, where, why, and how

Who

The primary protected group should be every person leaving Delaware DOC Level V or Level IV custody who lacks a current usable Delaware DMV credential, regardless of sentence length. A 180-day workflow can only apply when the State has that much notice; short-stay, court-ordered, medical, interstate, and unexpected releases need an accelerated lane. The statewide companion pathway should serve Delaware residents experiencing homelessness, disaster, eviction, theft, document loss, serious illness, aging-related limitations, name-record conflicts, or other circumstances that make ordinary document assembly impracticable.[17]

The responsible public actors are DOC intake, records, reentry, facility, property, and transport staff; DMV adjudicators and mobile-service staff; the Office of Vital Statistics; DHSS benefits and homelessness programs; the Delaware State Housing Authority and provider network; and SSA under a properly executed prerelease agreement. Agency counsel, the Office of

[13] SB 171 text, § 8915(b), directs DOC to provide written instructions, while § 8915(c) requires the credential card to contain sufficient information for a fee waiver. Neither subsection expressly commands DMV issuance before release. https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?docTypeId=2&legislationId=26466&legislationName=SB171&legislationTypeId=1.
[14] 81 Del. Laws ch. 447, § 5. Section 1(d), concerning joint policies, took effect immediately; the remainder took effect 180 days after enactment, or March 30, 2019. https://legis.delaware.gov/SessionLaws/Chapter/GetPdfDocument?fileAttachmentId=354286.
[15] SB 171 bill history, showing introduction on Apr. 18, 2018, Senate passage on May 2, House passage on June 28, and gubernatorial signature on Oct. 1, 2018. https://legis.delaware.gov/BillDetail?LegislationId=26466.
[16] SB 171 synopsis, describing the Delaware Personal Credential Card as building on a 2012 I-ADAPT pilot. https://legis.delaware.gov/BillDetail?LegislationId=26466.
[17] Project Tideshift Justice, ID Barriers Removed (Mar. 28, 2026), user-provided working paper. It inventories practical consequences involving housing, work, banking, communication, health care, benefits, records, supervision, civic life, and transportation. The inventory is used here to organize questions and safeguards; legal requirements vary by transaction.

Management and Budget, data/privacy officers, and an independent reviewer are necessary supporting actors.

What

The required product is a physical, valid Delaware DMV identification card or, for a person who separately qualifies, a driver license. The card should be REAL ID compliant when the person is eligible and can satisfy documentary requirements; otherwise, the State should issue the lawful noncompliant Delaware credential and give clear notice of its federal limits. The card identifies the holder through information specified by 21 Del. C. § 3104.[18][19]

When and where

Work begins at intake and no later than 180 days before reasonably anticipated release. The decisive handoff occurs inside the releasing facility, before the person crosses the final secure or administrative exit. DMV adjudication should occur through secure in-facility mobile equipment, a reserved external appointment with DOC transport before release, or another approved secure process. If a lawful address cannot exist until actual shelter placement, the fallback is a reserved, same-day DMV transaction connected to release transportation—not an open-ended instruction sheet.[20]

Why

The first hours after release concentrate obligations and risk: housing check-in, supervision, medication, benefits, employment, transportation, banking, communication, and family reunification. Requiring a newly released person to reconstruct identity after release shifts a predictable administrative task into the least stable moment, multiplies trips and missed appointments, and transfers costs to families, shelters, nonprofits, employers, health systems, police, courts, and correctional staff.[21]

How

The amendment should establish a timed case-management process; authorize privacy-protected data matching; fund source documents, staffing, equipment, transport, and secure storage; require DMV prechecks and definitive written decisions; recognize the existing shelter/temporary-lodging route; and measure physical delivery through a signed receipt. The statutory duty should be paired with interagency operating procedures because a memorandum alone cannot waive law or guarantee performance.[22]

[18] Delaware Division of Motor Vehicles, SecureID document guide. A REAL ID credential is valuable for federal identification purposes, but qualification depends on federal and state documentary standards. https://dmv.de.gov/DriverServices/drivers_license/secureID/index.shtml.
[19] 21 Del. C. § 3104, describing information appearing on the Delaware identification card. https://delcode.delaware.gov/title21/c031/index.html.
[20] Project Tideshift Justice, Delaware Reentry and Homeless ID Action Plan—Revised (Aug. 10, 2026), user-provided working paper. It proposes a 180-day case-opening clock, four processing lanes, secure card storage, signed release receipt, shelter certification, same-day release appointments, exception ownership, dashboards, and audit. This is planning material, not an independent empirical source.
[21] Project Tideshift Justice, Delaware DOC Fiscal Impact and Efficiency Report, user-provided working paper. It emphasizes avoiding serial trips, preventable staff time, delayed services, and repeated replacement costs. Any local cost or savings assertion in a fiscal note should be validated with current Delaware administrative data.
[22] A memorandum of understanding can allocate interagency work but cannot waive statutes or federal requirements. For that reason, the report recommends pairing MOUs with a precise statutory duty, funded operating procedures, named owners, audit, and public measures.

4. The day-one ID cliff: adverse consequences and public costs

'Adverse consequences and public costs' is more encompassing than 'harms.' It includes personal injury and stress, lost money and opportunity, rights burdens, service delays, administrative waste, public-safety risk, and costs shifted to other people and institutions. The user-provided issue inventory is unusually comprehensive, but its items should be presented with legal precision: in some transactions a photo ID is required; in others it is a common and efficient form of proof; in still others lawful alternatives exist. Lack of a card can therefore be a legal barrier, a practical barrier, or a delay multiplier depending on the transaction.[23]

Domain	Adverse consequence / public cost	Necessary qualification
Employment	Delayed I-9 completion, payroll enrollment, licensing, background checks, and reliable transportation planning.	State ID is one List B route; alternatives exist.
Housing	Shelter intake, lease execution, hotel placement, application screening, and document storage can be delayed.	Requirements differ by provider and program.
Banking & money	Account opening, check cashing, direct deposit, debit-card replacement, and fraud resolution become harder.	Banks also use non-documentary verification.
Health & recovery	Prescription pickup, clinic check-in, benefit-file matching, and continuity of medication-assisted treatment may be disrupted.	Clinical care may not lawfully be denied in every case.
Benefits & records	Applications, recertification, replacement documents, and identity matching demand more trips and staff time.	Electronic verification should be used where allowed.
Supervision & public safety	Reporting, curfew, program enrollment, travel, employment, and address compliance are harder to stabilize.	ID alone does not cause successful reentry.
Communication & utilities	Phone activation, account recovery, utility service, and online identity checks may fail or take longer.	Private-sector policies vary.
Civic & family life	School, library, government-building, prison-visit, and voting check-in can be slower or more burdensome.	Delaware voting does not require photo ID.
Transportation	A non-driver ID establishes identity but does not authorize driving; a license may enable lawful driving only if all requirements are met.	No automatic license entitlement.

The compounding mechanism

The injury is not merely the first rejected transaction. It is the sequence: no source document prevents DMV approval; no card delays work or banking; no income blocks stable housing and a phone; no stable address or mail makes replacement documents harder; missed services increase supervision and health risks; and any loss or theft can restart the cycle. The State then pays repeatedly for case management, transportation, document replacement, crisis response, and corrections contact instead of completing a routine identity process once, before release.[24][25]

A state ID also cannot repair every reentry problem. Housing supply, employer decisions, criminal-record barriers, health needs, and poverty remain. The bill is justified because identity verification is a cross-cutting prerequisite that government can resolve with unusual precision, not because a card alone guarantees stability.

Employment and lawful income

Federal Form I-9 rules allow a state driver license or identification card as a List B identity document when paired with a List C employment-authorization document; other combinations are also permitted. Pre-release ID therefore does not change federal work-authorization law. It

[23] This report uses 'adverse consequences and public costs' as the umbrella term for personal harms, rights burdens, financial losses, service delays, administrative waste, public-safety risks, and costs shifted to families, charities, businesses, and government.
[24] See Project Tideshift Justice, Delaware Reentry and Homeless ID Action Plan—Revised (Aug. 10, 2026), user-provided working paper. It… (previously cited).
[25] See Project Tideshift Justice, Delaware DOC Fiscal Impact and Efficiency Report, user-provided working paper. It emphasizes avoiding… (previously cited).

gives an eligible worker a common, familiar proof of identity and reduces the chance that the first workday becomes another document-reconstruction day.[26]

Banking and financial security

Bank customer-identification programs must verify identity using risk-based procedures. An unexpired government photo ID is a common documentary method, but federal rules also require appropriate non-documentary procedures. The correct legislative finding is that a DMV card materially improves portability and consistency; it is not that every bank must reject every person without one.[27]

Housing, health, benefits, and continuity

Federal homelessness strategy calls for reducing documentation barriers to housing and improving access to identity, medical, and benefits documents. CMS likewise encourages electronic verification and minimizing paper where permitted. SSA prerelease arrangements can permit benefit or replacement-card activity before release, and SSI prerelease procedures may begin months before anticipated release. The amendment should use these systems so that the DMV card is one coordinated piece of readiness rather than a new silo.[28][29][30][31]

Civic participation—state the rule accurately

Delaware asks voters for proof of identity, and showing it can make check-in faster, but the State does not require photo ID from a registered, eligible voter who completes the prescribed affirmation. The report therefore does not use voting as a claim of categorical exclusion. It treats the card as a burden-reduction and error-reduction tool, while preserving the statutory voting alternative.[32]

5. Why the physical card must be delivered before exit

A policy that says ‘apply later’ assigns the most complex identity work to a person at the exact moment when transportation, housing, money, phone service, medication, supervision, and safety are least stable. The agency already controls the person’s location, has records, can plan appointments, can protect documents, and can verify the handoff. The marginal value of finishing before exit is therefore much greater than the value of another referral after exit.

Federal reentry guidance recommends correctional and DMV collaboration and access to primary identity documents at least 60 days before release. DOJ has described government-issued identification as ‘critical’ to successful reentry and cited an independent consultant’s

[26] USCIS, Form I-9 Acceptable Documents. A state driver license or state identification card can establish identity as a List B document, but an employee may present other permissible document combinations. https://www.uscis.gov/i-9-central/form-i-9-acceptable-documents (accessed Aug. 24, 2026).
[27] 31 C.F.R. § 1020.220, bank customer-identification program rule. Banks must maintain risk-based identity-verification procedures; an unexpired government-issued photo ID is a common documentary method, while non-documentary methods are also required in appropriate circumstances. https://www.ecfr.gov/current/title-31/subtitle-B/chapter-X/part-1020/subpart-B/section-1020.220 (accessed Aug. 24, 2026).
[28] U.S. Interagency Council on Homelessness, All In strategy material, calling for reduction of documentation barriers to housing entry and improved access to identification, medical, and benefits documents. https://www.usich.gov/federal-strategic-plan/scale-housing-and-supports-meet-demand (accessed Aug. 24, 2026).
[29] Centers for Medicare & Medicaid Services, Eligibility Verification Policies. Federal guidance encourages use of electronic data sources and minimizing paper documentation where permitted. https://www.medicaid.gov/medicaid/national-medicaid-chip-program-information/eligibility-verification-policies (accessed Aug. 24, 2026).
[30] U.S. Social Security Administration, Reentry and Prerelease. Formal prerelease agreements can allow benefit and replacement-card work before release. https://www.ssa.gov/reentry/ (accessed Aug. 24, 2026).
[31] U.S. Social Security Administration, SSI Spotlight on Prerelease Procedure, explaining that an eligible incarcerated person may apply for SSI several months before anticipated release through a prerelease arrangement. https://www.ssa.gov/ssi/spotlights/spot-prerelease.htm (accessed Aug. 24, 2026).
[32] Delaware Department of Elections, Voting FAQ. Showing identification expedites check-in and reduces mistakes, but lack of photo ID is not itself a bar to voting by a registered, eligible voter. https://elections.delaware.gov/public/faq/voting.html (accessed Aug. 24, 2026).

estimate of large federal savings from paying for identification. The federal figure should not be transplanted into Delaware's fiscal note; it does demonstrate that identity work is treated as an operational reentry investment, not a courtesy.[33][34][35]

PHYSICAL DELIVERY IS THE CONTROL POINT

Approval without delivery can fail through mailing delay, address instability, loss, theft, or a release-time property error. A signed receipt inside the facility creates a verifiable endpoint; secure storage protects the card between issuance and release.

'Before exit' must not become a basis to hold someone longer. When the State receives insufficient notice or a lawful external dependency cannot be resolved, the person leaves on time with the DPCC, all available source documents, a written reason, the owner's contact, transportation, and a reserved transaction. That case remains an exception in performance reporting rather than being relabeled success.[36]

6. Homelessness and the address catch-22

Delaware's 2025 point-in-time count identified 1,585 people experiencing homelessness, a 16% increase over the prior year. The Governor created an interagency response, and the resulting 15-member collaborative includes DOC and other relevant agencies. The State therefore has both a documented need and an existing coordination table for a no-ID pathway.[37][38][39]

Ordinary DMV guidance asks for a physical Delaware residential address and two proofs from separate sources; a post-office box ordinarily does not establish residence. A person in an encampment, vehicle, rotating couch arrangement, emergency shelter, hospital discharge, or motel may be a Delaware resident without a lease, utility bill, or stable mail. That is an address-evidence problem, not necessarily an identity or residency problem.[40][41]

[33] U.S. Department of Justice, Roadmap to Reentry strategy document, recommending DMV acceptance of correctional identity documents or correctional staff assistance with pre-release ID applications. https://www.justice.gov/reentry/file/846416/dl (accessed Aug. 24, 2026).
[34] U.S. Department of Justice, Federal Interagency Reentry Council guidance, recommending that correctional facilities help ensure access to primary identification documents and eligible benefits at least 60 days before release. https://www.justice.gov/file/1115291/dl?inline= (accessed Aug. 24, 2026).
[35] U.S. Department of Justice, Justice Department Announces Reforms at Bureau of Prisons (Dec. 6, 2016). DOJ called government-issued ID critical to successful reentry and reported an independent consultant's estimate that paying for IDs could save the federal Bureau of Prisons approximately $19 million annually. https://www.justice.gov/archives/opa/pr/justice-department-announces-reforms-bureau-prisons-reduce-recidivism-and-promote-inmate (accessed Aug. 24, 2026).
[36] See The proposed bill should protect the release date: failure to complete an ID transaction must not extend custody. A same-day or… (previously cited).
[37] Executive Order No. 8, Governor of Delaware (Apr. 17, 2025), citing 1,585 people experiencing homelessness in Delaware in the 2025 point-in-time count and a 16% annual increase, and creating an interagency collaborative. https://governor.delaware.gov/executive-orders/executive-order-8/ (accessed Aug. 24, 2026).
[38] Delaware State Housing Authority, Delaware Interagency Collaborative to End Homelessness. The 15-member body includes the Department of Correction and other agencies and seeks to halve homelessness and end youth homelessness within five years. https://www.destatehousing.com/about/delaware-interagency-collaborative-to-end-homelessness/ (accessed Aug. 24, 2026).
[39] Executive Order No. 8 identifies the Department of Correction Commissioner as a participant in Delaware's interagency homelessness response, creating an existing coordination forum for the proposed statewide no-ID pathway. https://governor.delaware.gov/executive-orders/executive-order-8/.
[40] Delaware Division of Motor Vehicles, Required Documentation Table. Applicants generally must present identity, Social Security number or ineligibility documentation, lawful-status documentation when applicable, and two proofs of Delaware residency from separate sources; originals or certified copies are generally required. https://dmv.de.gov/DriverServices/drivers_license/index.shtml?dc=dr_lic_doc_table (accessed Aug. 24, 2026).
[41] Delaware DMV documentation guidance requires applicants to provide a physical residential address and generally does not accept a post-office box as residence. https://dmv.de.gov/DriverServices/drivers_license/index.shtml?dc=dr_lic_doc_table.

Current regulation already offers two important legal tools. The Director may approve other principal-residence documents in appropriate cases, and an applicant living in a shelter or motel may obtain a noncompliant credential after meeting other requirements if the provider certifies at least 30 days of permitted residence and mail receipt. The catch is timing: a provider may be unable to certify until the person is actually admitted. The amendment should fund provider training, a standard certification, reserved same-day DMV capacity, secure mail or pickup, transportation, and outreach so this regulatory route is usable in practice.[42][43][44]

Statewide no-ID access lane

- One entry point through 211, shelter/outreach providers, libraries, hospitals, benefits offices, probation/parole, and designated community organizations.
- Identity and source-document triage; fee waiver or direct payment for eligible low-income applicants; name-record and duplicate-record escalation.
- A standard provider certification aligned with 2 Del. Admin. C. § 2217, plus Director-approved alternative residency documentation where lawful.
- Mobile DMV service or reserved appointments in every county, with transportation and disability accommodation.
- Secure delivery to the applicant or authorized pickup point; replacement-loss prevention; written denial and review route.
- No lowering of identity, fraud-prevention, lawful-presence, or federal REAL ID requirements.[45]

Delaware already operates DMV On-the-Go capacity and reported 1,224 transactions in its first season. That infrastructure is relevant, but a correctional or homeless-access lane still needs security review, equipment, connectivity, staffing, appointment protection, and documented service standards.[46][47]

7. Eligibility, REAL ID, and legal boundaries

The bill should promise process and a credential only within the law. Applicants may need identity, Social Security, lawful-status, and residency evidence; original or certified documents are generally required. A corrections card alone is not ordinarily sufficient for an SSA replacement card without an applicable prerelease framework. Only a formal, authorized SSA-corrections MOU qualifies as the federal prerelease agreement.[48][49][50]

[42] 2 Del. Admin. C. § 2217, especially §§ 8.2.1-8.2.2, allowing certain Director-approved residency documentation and a temporary-lodging pathway for a person in a shelter or motel after other requirements are met. https://regulations.delaware.gov/AdminCode/title2/2217 (accessed Aug. 24, 2026).
[43] 2 Del. Admin. C. § 2217.8.2.2. The temporary-lodging route requires the lodging provider to certify that the person may reside there for at least 30 days and may receive mail there. https://regulations.delaware.gov/AdminCode/title2/2217.
[44] A person experiencing homelessness may have no conventional lease or utility bill even while meeting the ordinary meaning of Delaware residence. The regulation's shelter-or-motel route helps only after a provider can make the required certification; outreach and reserved processing are therefore necessary.
[45] The Department of Correction and DMV should validate identity through authoritative records and document matching before creating or issuing a credential. Faster processing should not relax anti-fraud controls.
[46] Delaware Division of Motor Vehicles, DMV On-the-Go Bus Calendar, describing mobile service capacity and reporting 1,224 transactions in its first season. https://dmv.de.gov/OnlineServices/OntheGo/index.shtml (accessed Aug. 24, 2026).
[47] Delaware DMV's current same-day issuance and mobile-service capacity show relevant infrastructure, but correctional access, applicant documentation, scheduling, connectivity, equipment, and security requirements still require written implementation planning. See notes 8 and 31.
[48] See Delaware Division of Motor Vehicles, Required Documentation Table. Applicants generally must present identity, Social Security… (previously cited).
[49] U.S. Social Security Administration, POMS RM 10225.125, explaining that a prison identification card by itself is not acceptable evidence of identity for a Social Security number card absent an applicable exception or prerelease process. https://secure.ssa.gov/poms.nsf/lnx/0110225125 (accessed Aug. 24, 2026).
[50] U.S. Social Security Administration, POMS RM 10225.135, stating that only formal written prerelease memoranda of understanding signed by authorized SSA and correctional officials are valid. https://secure.ssa.gov/poms.nsf/lnx/0110225135 (accessed Aug. 24, 2026).

A driver license cannot be the universal entitlement because it authorizes driving and remains subject to separate qualifications. The guaranteed baseline for an otherwise eligible applicant should be a non-driver state ID; the program may process a license when all licensing requirements are independently satisfied.[51]

The statute should define 'ID in hand' with care: physical possession of a valid Delaware DMV card accepted for ordinary state and commercial identity verification. It does not create immigration status, replace a passport or Social Security card, authorize driving, or override transaction-specific rules. For federal airport use, REAL ID or another TSA-accepted credential is required; an ordinary noncompliant state card should be delivered with clear notice of that limit.[52][53]

An applicant who is legally ineligible must receive a specific written reason, notice of any review, and referral to lawful alternative documents and services. The General Assembly should not order DMV to issue a credential contrary to governing law. Fraud controls should rely on authoritative record matching, duplicate detection, staff separation of duties, and audit—not on abandonment of the applicant.[54][55]

8. Operational design: from intake to signed receipt

Clock	Owner	Required action	Proof
Intake	DOC intake	Search DMV record; scan current cards; identify likely release and legal/document barriers.	Case opened
≤180 days	Case manager	Assign one of four processing lanes; obtain consent; order source documents.	Checklist + owner
150–120	Vital/SSA liaison	Resolve birth record, Social Security record, name and identity conflicts through authorized channels.	Verified record/status
90–60	DOC + housing	Build two-proof residency package or documented temporary-lodging/provider-certification route.	DMV precheck
45–30	DMV	Mobile or reserved appointment; adjudicate REAL ID/noncompliant ID/license eligibility; capture photo/signature.	Approved/denied code
Before exit	**DOC property**	**Securely store card; deliver to person with other identity documents; obtain signed receipt.**	**Physical-ID receipt**
Release day	Exception lead	For lawful unavoidable exceptions: transportation, same-day reserved slot, or next-business-day fallback; no custody extension.	Reason + appointment
Monthly	Agency leads	Reconcile DMV issuance, DOC receipts, unresolved cases, time-to-ID, and exception aging.	Public dashboard

Four processing lanes

1. Existing current or renewable Delaware record: verify status, resolve holds, update address, produce duplicate or renewal.
2. First-time, expired, or out-of-state applicant: assemble identity, Social Security, lawful-status, and residency evidence; perform DMV precheck.
3. No conventional address: use lawful provider certification or Director-approved documentation; reserve release-day or mobile processing when admission must occur first.

[51] Under 21 Del. C. § 3103, a driver license remains subject to licensing qualifications; the amendatory bill should make a non-driver identification card the guaranteed baseline for an otherwise eligible applicant. https://delcode.delaware.gov/title21/c031/index.html.
[52] The phrase 'ID in hand' means physical possession of a valid Delaware DMV identification card or driver license accepted for ordinary state and commercial identity-verification uses. It does not mean that the card substitutes for every credential, confers driving privilege, establishes immigration status, or is accepted for every federal purpose.
[53] See Transportation Security Administration, Identification, stating that beginning May 7, 2025, state-issued cards that are not REAL ID… (previously cited).
[54] A person who is not legally eligible for a Delaware DMV credential should receive a written reason and referral to lawful alternatives; the statute should not require an agency to issue a card contrary to federal or state law.
[55] See The Department of Correction and DMV should validate identity through authoritative records and document matching before creating… (previously cited).

4. Complex exception: identity conflict, name change, adoption, foreign birth, legal ineligibility, medical incapacity, late release order, or applicant refusal; assign specialized owner and deadline.

Nonnegotiable controls

- Written applicant consent and notice explaining information sharing, choices, credential type, and federal limitations.
- DMV makes the credential decision; DOC prepares and transports but does not decide DMV eligibility.
- Source documents and cards are inventoried, stored securely, and released only to the person or under a lawful documented protocol.
- Every denial or delay has a standardized reason code, responsible agency, named owner, next action, due date, and supervisory review.[56]
- No extension of custody solely to complete identity work.
- Rapid replacement for a card lost while under state control, without charging the individual.

9. Accountability, enforcement, data, and privacy

A mandate without proof can reproduce the present gap. The amendment should impose a precise duty on agency heads, authorize implementing rules and MOUs, require a responsible official and backup at each facility and agency, and place performance in executive review. Section 8915 already requires joint policies; the Commissioner also has rulemaking, investigative, and records authority.[57][58]

Measure	Denominator / timing	Reason
Screened for DMV credential	All people released from covered DOC custody	Prevents invisible exclusions
Eligible and card in hand before exit	All adjudicated eligible releases	Primary statutory outcome
Card in hand by end of release day	Eligible lawful exceptions	Measures fallback without redefining success
Median / 90th percentile days to ID	All completed cases	Shows delay and tail risk
Exception type and age	All unresolved cases	Locates accountable bottlenecks
Source-document completion	Cases missing birth/SSA/residency evidence	Tests upstream work
Repeat replacement rate	Issued cards within 12 months	Tests secure delivery/storage
Homelessness pathway completion	Applicants using alternative residency route	Detects address catch-22

The statutory screening duty should be 100%. The operational target proposed by Project Tideshift Justice is at least 95% of legally eligible people with the physical DMV credential before exit or, for the narrow address-activation exception, by the end of release day. The 95% figure is not current Delaware performance and must never dilute the obligation to process every eligible case. It is a high-performance trigger for corrective action, with every remaining case visible.[59]

[56] The recommended exception code should distinguish legal ineligibility, unresolved identity conflict, external-record delay, late or unplanned release, applicant refusal, medical incapacity, and agency error. This taxonomy is a proposed accountability control, not existing Delaware law.
[57] 29 Del. C. § 8915(d), requiring the Department of Correction, Division of Public Health, and Division of Motor Vehicles to jointly adopt policies to implement the section. https://delcode.delaware.gov/title29/c089/sc01/.
[58] 29 Del. C. § 8903, authorizing the Commissioner of Correction to establish rules and regulations, make investigations, and maintain records and statistics, subject to law. https://delcode.delaware.gov/title29/c089/sc01/.
[59] The report's recommended 95% operational target is a policy proposal drawn from the Project Tideshift Justice action plan, not a current Delaware performance figure. The statutory duty should remain 100% screening and timely processing, with lawful exceptions reported separately.

Publish monthly county- and facility-level aggregates and an annual narrative report. The public file should not reveal names, DMV numbers, Social Security numbers, dates of birth, exact release locations, medical facts, or individual immigration information. Individual-level linkage should be limited to authorized operations and evaluation, with retention, access, audit-log, breach-response, and data-destruction rules.[60]

The Department already publishes annual reports, but the public materials reviewed for this report did not provide a current denominator of eligible releases or a physical-ID-in-hand rate. The first report under the amendment must establish that baseline rather than presuming nonperformance.[61][62]

Enforcement ladder

1. Daily facility exception review for any imminent release without completed DMV disposition.
2. Monthly interagency reconciliation and automatic escalation when a case exceeds its milestone.
3. Quarterly corrective-action plan for any facility or pathway below target, with responsible executive and completion date.
4. Annual independent audit of a sample of records, card custody, exception accuracy, privacy controls, and public data.
5. Legislative oversight hearing after the first full year and at least biennially thereafter.

The law should not automatically discipline a frontline worker or create a private cause of action by implication. If the General Assembly wants either remedy, it should say so expressly after legal and fiscal review.[63]

10. Fiscal case and required appropriation

The enacted bill's 2018 fiscal note used an average of 3,426 covered releases per year for fiscal years 2015–2017. It assumed that half would redeem a $25 Delaware birth-certificate waiver, one quarter a $20 state-ID waiver, and one quarter a $40 license waiver, producing an estimated annual revenue impact of $94,185. That figure is useful history, not a 2026 program budget.[64][65]

Illustrative item	Volume	Unit amount	Face value
All historical covered releases receive current $40 ID	3,426	$40	$137,040
Half require Delaware birth certificate	1,713	$25 max.	$42,825
Illustrative combined face value	**—**	**—**	**$179,865**

The table is arithmetic, not a forecast: it combines a historical release denominator with current statutory fee amounts and a historic 50% birth-certificate assumption. It omits existing-card rates, legal ineligibility, non-Delaware birth records,

[60] The proposed data elements should be aggregated or de-identified for public reporting. Individual-level records should be limited to authorized operational and evaluation uses under applicable privacy, corrections, and identity-protection laws.
[61] Delaware Department of Correction, Annual Reports, listing public annual reports through 2025. The reviewed public materials did not supply a current denominator of releases eligible for DMV identification or the percentage leaving with a physical card; the proposed law should require those data. https://doc.delaware.gov/views/annual_report.blade.shtml (accessed Aug. 24, 2026).
[62] The report was prepared from enacted law, current agency guidance, national and state comparative sources, and three user-provided Project Tideshift Justice working papers. The absence of a public current Delaware ID-in-hand rate is treated as a data gap, not as proof of nonperformance.
[63] The proposed enforcement model uses escalating administrative correction, public measurement, and audit. It does not create automatic discipline for a frontline employee or a private cause of action unless the General Assembly expressly chooses to do so.
[64] Delaware General Assembly, SB 171 Fiscal Note (Apr. 23, 2018), estimating an average of 3,426 covered releases per year for fiscal years 2015-2017 and an annual revenue impact of $94,185 under stated assumptions. https://legis.delaware.gov/json/BillDetail/GetPdfDocument?fileAttachmentId=104401 (accessed Aug. 24, 2026).
[65] SB 171 Fiscal Note. The estimate assumed 50% would redeem a $25 Delaware birth-certificate waiver, 25% a $20 identification-card waiver, and 25% a $40 driver-license waiver. These were 2018 assumptions, not a current implementation budget.

duplicates, short stays, staff, equipment, transport, technology, storage, training, outreach, evaluation, and offsetting operational efficiencies.[66]

What the fiscal note must price

- Fee revenue foregone or direct payment for DMV cards and Delaware and out-of-state source documents.
- Dedicated DOC/DMV/Vital/benefits liaison time; overtime or backfill; training and supervision.
- Mobile DMV equipment, secure connectivity, cybersecurity, scheduling, consumables, and maintenance.
- Transportation for pre-release, same-day, disability-access, and rural appointments.
- Secure property storage, chain-of-custody controls, replacement of cards lost by the State, and quality assurance.
- Provider grants or contracts for homelessness-document navigation, certification, secure mail, and outreach.
- Data linkage, public dashboard, privacy controls, independent audit, and outcome evaluation.

The 2018 fiscal note largely measured fee effects; it did not price the complete operating system now proposed. The first implementation report should publish current workload and unit-cost data. Delaware-specific savings from avoided staff trips, delayed services, crisis care, supervision failure, or reincarceration should be evaluated, not assumed. This report does not attach a dollar value where no current Delaware causal estimate was located.[67][68][69]

Funding structure

Use a specific recurring appropriation, not an unfunded direction. Separate fee waivers from operating funds; allow authorized federal reentry, homelessness, workforce, and benefits-administration funds; preserve private philanthropy as supplementation, not the backbone of a legal duty; and require agencies to identify existing expenditures that can be consolidated. Appropriation language should include positions or contracted capacity, equipment, transport, source documents, data, audit, and a contingency for volume above forecast.

11. Comparative evidence and Delaware feasibility

NCSL reports that 21 states have identification-assistance laws and that 17 provide permanent identification before release. Michigan reports that its corrections/DMV partnership has issued roughly 20,000 credentials since 2020 and reaches more than 98% of people leaving prison.

[66] The illustrative $179,865 amount equals 3,426 multiplied by the current $40 identification-card fee, plus 50% of 3,426 multiplied by the statutory maximum $25 birth-certificate fee. It is a transparent face-value scenario using a historical denominator, not a forecast or appropriation request.
[67] The 2018 Delaware fiscal note measured fee revenue effects, not the full cost of source-document acquisition, staffing, mobile processing, technology, transport, secure storage, quality control, or evaluation. See the SB 171 Fiscal Note cited in this report.
[68] The first implementation report should include a refreshed fiscal baseline: release volume, existing valid-card rate, first-time applications, duplicate cards, source-document requests, exception types, processing time, staff hours, mobile visits, transports, and unit costs.
[69] Any causal estimate of avoided reincarceration, shelter use, emergency care, or staff time should be produced by a Delaware fiscal note or evaluation using linked, privacy-protected state data. This report does not monetize outcomes for which a current Delaware causal estimate was not located.

That published experience demonstrates operational feasibility, not guaranteed Delaware results.[70][71][72]

Illinois provides two useful design elements: a six-month document-tracking practice that stores official source documents, and a statutory route to a state identification card usable for lawful identification purposes. Delaware has its own favorable building blocks: the DPCC and fee waivers, a joint-policy mandate, same-day DMV issuance for qualified applicants, mobile DMV capacity, alternative-residency regulation, DOC reentry authority, and an interagency homelessness collaborative.[73][74]

What Delaware should borrow—and not borrow

- Borrow: early case opening, source-document tracking, mobile issuance, measurable physical delivery, and statewide partnership.
- Adapt: Delaware's own residency regulation, facility structure, release patterns, data systems, and three-county geography.
- Do not borrow blindly: another state's eligibility rules, funding level, savings claim, privacy design, or headline percentage without auditing the denominator and exceptions.

12. Objections, risks, and answers

Objection / risk	Answer and safeguard
'SB 171 already solved this.'	It solved fees and instructions for a defined group. It did not expressly require completed DMV adjudication or physical delivery before exit.
'People can go to DMV after release.'	Some can; the policy question is whether the State should knowingly place predictable, document-heavy work in the most unstable hours when it can be completed earlier.
'The card will be lost.'	Use secure pre-release storage, signed receipt, document pouch, provider education, and rapid replacement. Measure repeat replacements.
'Homeless applicants cannot prove address.'	Current regulation already recognizes a shelter/motel certification route and Director-approved evidence. Fund the pathway and handle the timing catch-22.
'This weakens fraud controls.'	DMV retains adjudication. Use authoritative records, duplicate detection, formal SSA procedures, separation of duties, and audit.
'Unexpected releases make compliance impossible.'	Require 100% early screening and an accelerated lane; enumerate late-release exceptions; never extend custody; report exceptions rather than hiding them.
'A state ID is not accepted everywhere.'	Correct. Define the credential accurately, provide REAL ID when eligible, disclose limits, and avoid universal claims.
'There is no proven Delaware savings figure.'	Also correct. Fund a current fiscal baseline and evaluation; do not confuse absence of measurement with absence of administrative burden.
'An MOU is enough.'	An MOU can assign work but cannot waive law or replace a funded statutory outcome, named duties, audit, and public accountability.

[70] National Conference of State Legislatures, Providing Identification for Those Released from Incarceration, reporting that 21 states have laws assisting with identification and that 17 provide permanent IDs before release. https://www.ncsl.org/civil-and-criminal-justice/providing-identification-for-those-released-from-incarceration (accessed Aug. 24, 2026).
[71] Michigan Department of State, Secretary Benson Brings State ID Services to Wayne County's Returning Citizens (Sept. 16, 2025), reporting about 20,000 IDs or licenses issued through a Department of Corrections partnership and coverage exceeding 98% of people leaving prison. https://www.michigan.gov/sos/resources/news/2025/09/16/secretary-benson-brings-state-id-services-to-wayne-countys-returning-citizens (accessed Aug. 24, 2026).
[72] Michigan's published figure is evidence of operational feasibility in another state, not proof that Delaware will achieve the same result or savings. See the Michigan Department of State source cited in this report.
[73] Illinois Department of Corrections, Administrative Directive 04.40.101, Field Service Records, requiring a tickler file within six months and storage of official documents including Social Security and birth records. https://idoc.illinois.gov/content/dam/soi/en/web/idoc/aboutus/policies/policies/programs-and-services/440101%20Field%20Service%20Records.pdf (accessed Aug. 24, 2026).
[74] Illinois Public Act 98-558 (2013), establishing a route to a state identification card for persons committed to the Department of Corrections and specifying that the card may be used for lawful identification purposes. https://www.ilga.gov/documents/legislation/publicacts/98/PDF/098-0558.pdf (accessed Aug. 24, 2026).

13. Minimum statutory requirements

Legislative counsel should draft the amendment after agency and stakeholder review. At minimum, the enacted text should contain the following enforceable elements.[75]

1. Purpose. State that official identification is a reentry, service-access, administrative-efficiency, and public-safety measure.
2. Coverage. Screen every person leaving specified DOC custody; do not limit eligibility screening to incarceration of six months or longer.
3. Credential. Require a Delaware non-driver ID for every otherwise eligible applicant who lacks a usable credential; process a driver license only if separately qualified.
4. Clock. Begin at intake and no later than 180 days before anticipated release, with short-stay and late-order procedures.
5. Completion duty. Require DMV adjudication and physical delivery before release when legally and operationally possible.
6. No-release-delay rule. Prohibit continued custody solely because the credential is incomplete.
7. Documents. Require coordinated acquisition and verification of birth, Social Security, name-change, lawful-status, and residency records, subject to law and consent.
8. Homelessness pathway. Direct DMV and housing/homelessness partners to operationalize provider certification, alternative residence evidence, mobile/reserved service, secure delivery, and review.
9. Fees and funding. Waive or pay eligible fees and appropriate recurring operating funds.
10. Exception record. Enumerate codes and require the legal or factual reason, responsible agency, named owner, next action, due date, transportation, and review notice.
11. Proof of delivery. Require secure storage and a signed release receipt identifying the credential and source documents delivered.
12. Data and audit. Require monthly reconciliation, public aggregates, annual narrative and fiscal reporting, privacy controls, independent audit, and legislative review.
13. Rulemaking and agreements. Set deadlines for DOC/DMV/DHSS/DSHA rules and agreements, including a properly authorized SSA prerelease MOU where feasible.
14. Effective date. Allow a funded build period, then phase in by facility with a statewide deadline and no indefinite waiver.

[75] For legislative drafting, the General Assembly should direct revisors and agency counsel to conform cross-references, effective dates, rulemaking authority, privacy provisions, and appropriation language. This policy report is not a substitute for final bill-drafting review.

14. Proposed legislative findings and WHEREAS clauses

The 2018 SB 171 session law did not use a long WHEREAS recital. The following proposed findings are drafted for an amendatory bill or joint resolution. They should be conformed by legislative counsel and supported by the cited record. Repetitive clauses may be consolidated during formal drafting.

WHEREAS, Delaware enacted Senate Bill 171 in 2018 and codified the Delaware Personal Credential Card at 29 Del. C. § 8915;[76][77]

WHEREAS, the General Assembly found through the bill synopsis that lack of identification creates barriers to housing and employment;[78]

WHEREAS, the enacted law provides a corrections credential, written instructions, and fee-waiver mechanisms, but does not expressly require completion of a DMV identification transaction before release;[79]

WHEREAS, a fee waiver removes price but does not by itself supply identity, Social Security, lawful-status, name-change, residency, transportation, appointment, or delivery requirements;[80]

WHEREAS, current law generally limits the DPCC process to a person released after conviction and at least six months of incarceration, leaving other release populations outside its express coverage;[81]

WHEREAS, predictable identity work should begin while the State controls scheduling, access to records, document custody, and transportation, rather than after release when those resources are least stable;

WHEREAS, an official DMV credential is a widely recognized, portable means of proving identity for ordinary public and private transactions, even though transaction-specific alternatives and limits remain;

WHEREAS, a Delaware DMV identification card is not a driver license, does not authorize driving, and should be the baseline credential for an otherwise eligible person who does not qualify to drive;[82]

WHEREAS, REAL ID compliance is important for certain federal purposes, but a person who cannot satisfy REAL ID documentation may still be eligible for an official noncompliant Delaware credential;[83][84]

WHEREAS, Delaware does not require photo identification for a registered, eligible voter who completes the State's affirmation process, and the case for this legislation should not misstate that protection;[85]

WHEREAS, a state identification card is a common Form I-9 identity document, while federal law permits other acceptable document combinations and separately governs employment authorization;[86]

WHEREAS, financial institutions commonly use government photo identification in risk-based identity verification, while federal rules also contemplate non-documentary methods;[87]

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[76] See Delaware General Assembly, Senate Bill 171, 149th General Assembly, bill detail (introduced Apr. 18, 2018; signed Oct. 1, 2018) (previously cited).
[77] See 81 Del. Laws ch. 447 (2018), official session law (previously cited).
[78] See Delaware General Assembly, SB 171 synopsis. The synopsis states that lack of identification presents barriers to obtaining housing… (previously cited).
[79] See SB 171 text, § 8915(b), directs DOC to provide written instructions, while § 8915(c) requires the credential card to contain… (previously cited).
[80] See Delaware Division of Motor Vehicles, Required Documentation Table. Applicants generally must present identity, Social Security… (previously cited).
[81] See 29 Del. C. § 8915(a)-(c). The statute covers an individual released after a conviction and at least six months of incarceration,… (previously cited).
[82] See Under 21 Del. C. § 3103, a driver license remains subject to licensing qualifications; the amendatory bill should make a non-driver… (previously cited).
[83] See Transportation Security Administration, Identification, stating that beginning May 7, 2025, state-issued cards that are not REAL ID… (previously cited).
[84] See Delaware Division of Motor Vehicles, SecureID document guide. A REAL ID credential is valuable for federal identification purposes,… (previously cited).
[85] See Delaware Department of Elections, Voting FAQ. Delaware does not require photo identification to vote; a voter without ID may… (previously cited).
[86] See USCIS, Form I-9 Acceptable Documents. A state driver license or state identification card can establish identity as a List B… (previously cited).
[87] See 31 C.F.R. § 1020.220, bank customer-identification program rule. Banks must maintain risk-based identity-verification procedures;… (previously cited).

WHEREAS, lack of portable identification can delay housing, employment, financial services, health care, prescriptions, benefits, communications, records, transportation planning, supervision, and family reunification;[88]

WHEREAS, these delays may compound, shifting time and cost to individuals, families, shelters, service providers, employers, health systems, courts, law enforcement, and correctional agencies;[89]

WHEREAS, Delaware's 2025 point-in-time count identified 1,585 people experiencing homelessness and an increase of 16% from the prior year;[90]

WHEREAS, a person may be a Delaware resident while lacking a lease, utility bill, stable mailing address, or conventional proof of residence;[91]

WHEREAS, Delaware regulation already recognizes Director-approved residency documents and a temporary-lodging route for qualifying shelter or motel residents;[92]

WHEREAS, the temporary-lodging route may be unusable before actual admission unless the State coordinates certification, transportation, appointment capacity, and secure delivery;[93]

WHEREAS, Delaware has established an interagency collaborative on homelessness that includes correctional and service-system partners capable of supporting a statewide identification pathway;[94]

WHEREAS, Delaware DMV offers same-day issuance to qualified applicants and operates mobile DMV service, providing practical infrastructure for a pre-release and outreach model;[9596]

WHEREAS, federal reentry guidance recommends coordination to obtain primary identification and eligible services before release;[9798]

WHEREAS, Social Security prerelease work requires compliance with federal evidence rules and a properly authorized written agreement;[99100]

WHEREAS, other states have enacted and operated pre-release identification models, showing that permanent identification before release is administratively feasible;[101]

WHEREAS, Michigan reports that its correctional identification partnership reaches more than 98% of people leaving prison, while Delaware must establish and audit its own denominator and results;[102103]

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[88] See Project Tideshift Justice, ID Barriers Removed (Mar. 28, 2026), user-provided working paper. It inventories practical consequences… (previously cited).
[89] See Project Tideshift Justice, Delaware DOC Fiscal Impact and Efficiency Report, user-provided working paper. It emphasizes avoiding… (previously cited).
[90] See Executive Order No. 8, Governor of Delaware (Apr. 17, 2025), citing 1,585 people experiencing homelessness in Delaware in the 2025… (previously cited).
[91] See A person experiencing homelessness may have no conventional lease or utility bill even while meeting the ordinary meaning of… (previously cited).
[92] See 2 Del. Admin. C. § 2217, especially §§ 8.2.1-8.2.2, allowing certain Director-approved residency documentation and a… (previously cited).
[93] See 2 Del. Admin. C. § 2217.8.2.2. The temporary-lodging route requires the lodging provider to certify that the person may reside… (previously cited).
[94] See Delaware State Housing Authority, Delaware Interagency Collaborative to End Homelessness. The 15-member body includes the… (previously cited).
[95] See Delaware Division of Motor Vehicles, SecureID. Delaware describes same-day, over-the-counter issuance for qualified customers who… (previously cited).
[96] See Delaware Division of Motor Vehicles, DMV On-the-Go Bus Calendar, describing mobile service capacity and reporting 1,224… (previously cited).
[97] See U.S. Department of Justice, Roadmap to Reentry strategy document, recommending DMV acceptance of correctional identity documents or… (previously cited).
[98] See U.S. Department of Justice, Federal Interagency Reentry Council guidance, recommending that correctional facilities help ensure… (previously cited).
[99] See U.S. Social Security Administration, POMS RM 10225.125, explaining that a prison identification card by itself is not acceptable… (previously cited).
[100] See U.S. Social Security Administration, POMS RM 10225.135, stating that only formal written prerelease memoranda of understanding… (previously cited).
[101] See National Conference of State Legislatures, Providing Identification for Those Released from Incarceration, reporting that 21 states… (previously cited).
[102] See Michigan Department of State, Secretary Benson Brings State ID Services to Wayne County's Returning Citizens (Sept. 16, 2025),… (previously cited).
[103] See Michigan's published figure is evidence of operational feasibility in another state, not proof that Delaware will achieve the same… (previously cited).

WHEREAS, the 2018 Delaware fiscal note estimated a $94,185 annual fee-revenue effect using historic release counts and assumptions, but did not price a complete outcome-based delivery system;[104][105]

WHEREAS, a current fiscal note should include source documents, staffing, mobile equipment, transport, secure storage, provider capacity, technology, privacy, data, audit, and evaluation;[106]

WHEREAS, Delaware-specific savings should be measured rigorously and should not be inferred by transferring causal estimates from another jurisdiction;[107]

WHEREAS, the State should screen every person, process every eligible applicant, and publicly account for each lawful exception rather than relying on aggregate anecdotes;

WHEREAS, physical delivery and signed receipt are necessary to distinguish a completed identification outcome from an application, approval, mailing, instruction, or referral;

WHEREAS, secure storage between issuance and release reduces avoidable loss and replacement, and any card lost while under State control should be replaced promptly without cost to the individual;

WHEREAS, no person should remain incarcerated beyond a lawful release time solely because an identification transaction is incomplete;[108]

WHEREAS, an unresolved case should carry a standardized reason, responsible agency, named owner, next action, due date, and review path;[109]

WHEREAS, implementation should preserve identity-verification, fraud-prevention, lawful-presence, licensing, privacy, and federal REAL ID requirements;[110]

WHEREAS, a memorandum of understanding is an operational tool but cannot substitute for a funded statutory duty, lawful authority, public measurement, and oversight;[111]

WHEREAS, aggregated public reporting and privacy-protected evaluation are both necessary to assess performance without exposing sensitive personal information;[112]

WHEREAS, a high-performing identification process advances administrative efficiency, successful reentry, service access, and public safety without claiming that identification alone solves poverty, homelessness, health needs, or criminal-record barriers;

NOW, THEREFORE, BE IT ENACTED that Delaware shall convert the SB 171 framework from instructions and fee waiver into a timely, lawful, funded, measurable process whose primary outcome is an official DMV credential physically delivered to every eligible person before release, with a coordinated pathway for eligible Delaware residents experiencing homelessness and with written accountability for every exception.

15. First-year implementation and oversight schedule

Deadline	Required milestone
0–60 days after enactment	Name executive sponsor and agency leads; validate release volume, current-card rate, source-document demand, and facility capacity; begin SSA agreement review.

[104] See Delaware General Assembly, SB 171 Fiscal Note (Apr. 23, 2018), estimating an average of 3,426 covered releases per year for fiscal… (previously cited).
[105] See The 2018 Delaware fiscal note measured fee revenue effects, not the full cost of source-document acquisition, staffing, mobile… (previously cited).
[106] See The first implementation report should include a refreshed fiscal baseline: release volume, existing valid-card rate, first-time… (previously cited).
[107] See Any causal estimate of avoided reincarceration, shelter use, emergency care, or staff time should be produced by a Delaware fiscal… (previously cited).
[108] See The proposed bill should protect the release date: failure to complete an ID transaction must not extend custody. A same-day or… (previously cited).
[109] See The recommended exception code should distinguish legal ineligibility, unresolved identity conflict, external-record delay, late or… (previously cited).
[110] See The Department of Correction and DMV should validate identity through authoritative records and document matching before creating… (previously cited).
[111] See A memorandum of understanding can allocate interagency work but cannot waive statutes or federal requirements. For that reason, the… (previously cited).
[112] See The proposed data elements should be aggregated or de-identified for public reporting. Individual-level records should be limited… (previously cited).

Deadline	Required milestone
60–120 days	Publish draft joint rules and standard operating procedure; procure mobile/secure equipment; execute data-sharing and privacy agreements; train pilot facilities and providers.
120–180 days	Pilot at one or more facilities and one homelessness-access site in each county; test document custody, DMV precheck, exception codes, dashboard, and security.
180–270 days	Expand statewide; begin monthly public measures and quarterly corrective action; independent reviewer samples records.
By one year	Deliver the fiscal/performance report, audit, stakeholder feedback, corrective actions, and any recommended amendment.

16. Conclusion

Delaware's 2018 law recognized the right problem but defined the wrong endpoint. A person can comply with § 8915, carry a DPCC, hold a fee waiver and instructions, and still walk out without the credential that employers, landlords, banks, agencies, providers, and ordinary transactions most readily recognize. That is the completion gap.

The remedy is practical and bounded. Preserve SB 171's DPCC and waivers. Add early screening, source-document work, DMV adjudication, secure physical delivery, a signed receipt, a lawful homelessness-residency route, funded operations, written exceptions, privacy, public measures, audit, and a no-release-delay rule. Define the credential accurately and maintain every eligibility and fraud safeguard.

THE LEGISLATIVE OUTCOME

The State should not merely tell an eligible person how to become identifiable after release. It should complete the lawful identification work while it still has the records, time, custody, transportation, and interagency authority to do so—and prove the physical handoff before the person walks out the door.

Source and method note

This report reconciles enacted and current Delaware law, agency guidance, official federal rules and guidance, comparative state materials, and three Project Tideshift Justice working papers supplied by the user. Internal working papers were treated as issue inventories and design proposals, not independent proof of legal requirements or causal savings. Where the public record did not supply a current Delaware physical-ID release rate, the report identifies a data gap rather than asserting a number.[113]

[113] See The report was prepared from enacted law, current agency guidance, national and state comparative sources, and three user-provided… (previously cited).

Appendix A. Principal authorities and evidence map

Full citations and links appear in the footnotes. This compact map shows how each source category was used.

Category	Principal materials	Use in this report
Enacted authority	81 Del. Laws ch. 447; 29 Del. C. § 8915; 16 Del. C. § 3132; 21 Del. C. §§ 3103–3104; 2 Del. Admin. C. § 2217	Defines present duties, fees, credential, and residency pathways.
Legislative record	SB 171 bill detail, synopsis, history, and 2018 fiscal note	Establishes purpose, dates, coverage, and historical fiscal assumptions.
Delaware operations	DOC mission and annual reports; DMV SecureID, document table, and On-the-Go; elections guidance; homelessness executive order and collaborative	Tests operational fit, current requirements, and Delaware-specific qualifications.
Federal rules/guidance	TSA, USCIS, bank CIP rule, SSA prerelease rules, DOJ reentry guidance, CMS, USICH	Defines federal limits and supports coordinated prerelease practice.
Comparative states	NCSL inventory; Michigan and Illinois official materials	Shows feasibility and useful controls without transferring results mechanically.
User-provided working papers	Project Tideshift Justice action plan, ID barriers inventory, and DOC fiscal/efficiency report	Supplies lived-experience-informed issue categories and design proposals; flags questions for official validation.

Questions for the official fiscal note and implementation hearing

- How many people left each DOC custody level in the last three fiscal years, by length of stay and release type?
- How many already had an unexpired usable Delaware DMV credential at release?
- How many received a DPCC, used each fee waiver, applied to DMV, were approved, and physically received a card before release?
- Which source documents were missing, how long did each take, and which agency owned the delay?
- What share required a homelessness or alternative-residency pathway, and what were the outcomes?
- How many releases were unexpected or noticed too late for the standard clock?
- What staff, equipment, security, transportation, technology, and provider capacity are needed by facility and county?
- What cards or source documents were lost while in state custody or replaced within 12 months?
- What privacy, cybersecurity, fraud, and record-retention controls are required?
- Which outcomes can be evaluated credibly—days without ID, appointment completion, employment, housing, benefits, medication continuity, supervision compliance, and corrections contact—and over what period?