

HOUSE JOINT RESOLUTION NO. HJ0005

Real ID Act repeal.

Sponsored by: Representative(s) Esquibel, F.

A Bill

for

1 A JOINT RESOLUTION requesting Congress to repeal the
2 creation of a national identification card and the
3 implementation of the Real ID Act of 2005.

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5 WHEREAS, the state of Wyoming recognizes the constitution
6 of the United States as our charter of liberty and the bill
7 of rights as affirming the fundamental and inalienable
8 rights of Americans, including privacy and freedom from
9 unreasonable searches; and

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11 WHEREAS, Wyoming has a diverse population whose
12 contributions are vital to the state's economy, culture and
13 civic character; and

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15 WHEREAS, Wyoming is proud of its tradition of protecting
16 the civil rights and liberties of all of its residents,

1 affirming the fundamental rights of all people and
2 providing more expansive protections than are granted by
3 the United States Constitution; and

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5 WHEREAS, the state of Wyoming denounces terrorism in all
6 its forms and condemns all acts of terrorism by any entity,
7 wherever the acts occur; and

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9 WHEREAS, any new security measures to protect from
10 terrorist attacks should be carefully designed to enhance
11 public safety without infringing on the civil liberties and
12 rights of citizens; and

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14 WHEREAS, the federal REAL ID Act of 2005, Public Law
15 109-13, creates a national identification card by mandating
16 federal standards for state driver's licenses and
17 identification cards and requiring states to share their
18 motor vehicle databases; and

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20 WHEREAS, the REAL ID Act mandates the documents that states
21 must require to issue driver's licenses and requires states
22 to place uniform information on every driver's license in a
23 standard, machine readable format; and

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1 WHEREAS, the REAL ID Act prohibits federal agencies and
2 federally regulated commercial aircraft from accepting a
3 driver's license or identification card issued by a state
4 that has not fully complied with the act; and

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6 WHEREAS, the REAL ID Act places a costly unfunded mandate
7 on states, with initial estimates for Wyoming of more than
8 several million dollars over five (5) years and national
9 estimates of more than eleven billion dollars
10 (\$11,000,000,000.00) over the next five (5) years; and

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12 WHEREAS, the REAL ID Act requires the creation of a massive
13 public sector database containing information on every
14 American that is accessible to motor vehicle employees and
15 law enforcement officers nationwide and that can be used to
16 gather and manage information on citizens, and this is not
17 the business or responsibility of government; and

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19 WHEREAS, the REAL ID Act enables the creation of additional
20 massive private sector databases, combining both
21 transactional information and driver's license information
22 gained from scanning the machine-readable information
23 contained on every driver's license; and

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1 WHEREAS, these public and private databases are likely to
2 contain numerous errors and false information, creating
3 significant hardship for Americans attempting to verify
4 their identities in order to fly, open a bank account or
5 perform any of the numerous functions required to live in
6 the United States today; and

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8 WHEREAS, the federal trade commission estimates that ten
9 million (10,000,000) Americans are victims of identity
10 theft annually, and because identity thieves are
11 increasingly targeting motor vehicle departments, the REAL
12 ID Act will enable the crime of identity theft by making
13 the personal information of all Americans, including date
14 of birth and signature, accessible from tens of thousands
15 of locations; and

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17 WHEREAS, the REAL ID Act requires a driver's license to
18 contain a person's actual home address and makes no
19 exception for individuals in potential danger, such as
20 undercover law enforcement or victims of stalking or
21 criminal harassment; and

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23 WHEREAS, the REAL ID Act contains onerous record
24 verification and retention provisions that place

1 unreasonable burdens on the motor vehicle division of the
2 department of transportation and on third parties required
3 to verify records; and

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5 WHEREAS, the REAL ID Act will place enormous burdens on
6 consumers seeking new driver's licenses such as longer
7 lines, higher costs, increased document requests and a
8 waiting period; and

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10 WHEREAS, the REAL ID Act will place state motor vehicle
11 staff on the front lines of immigration enforcement by
12 forcing state employees to determine federal citizenship
13 and immigration status, excessively burdening both foreign-
14 born applicants and motor vehicle staff; and

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16 WHEREAS, the REAL ID Act passed without sufficient
17 deliberation by Congress and did not receive a hearing by
18 any Congressional committee or a vote solely on its own
19 merits, despite opposition from more than six hundred (600)
20 organizations; and

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22 WHEREAS, the REAL ID Act eliminated a process of negotiated
23 rulemaking initiated under the Intelligence Reform and
24 Terrorism Prevention Act of 2004, which had convened

1 federal, state and local policymakers, privacy advocates
2 and industry experts to solve the problem of misuse of
3 identity documents; and

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5 WHEREAS, the REAL ID Act provides little security benefit
6 and leaves identification systems open to insider fraud,
7 counterfeit documentation and database failures.

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9 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
10 *LEGISLATURE OF THE STATE OF WYOMING:*

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12 **Section 1.** That the state of Wyoming supports the
13 government of the United States in its campaign against
14 terrorism, while affirming the commitment of the United
15 States that the campaign not be waged at the expense of the
16 essential civil rights and liberties of the citizens of
17 this country.

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19 **Section 2.** That it is the policy of the state of
20 Wyoming to oppose any portion of the REAL ID Act that
21 violates the rights and liberties guaranteed under the
22 constitutions of the state of Wyoming or the United States,
23 including the bill of rights.

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1 **Section 3.** That the Wyoming legislature enact no
2 legislation nor authorize an appropriation to further the
3 passage of the REAL ID Act in Wyoming, unless such
4 appropriation is used exclusively for the purpose of
5 undertaking a comprehensive analysis of the costs of
6 implementing the REAL ID Act or to mount a constitutional
7 challenge to the act by the state attorney general.

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9 **Section 4.** That the Wyoming legislature urge the
10 Wyoming congressional delegation to support measures to
11 repeal the REAL ID Act.

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13 **Section 5.** That the Secretary of State of Wyoming
14 transmit copies of this resolution to the President of the
15 United States, to the President of the Senate and the
16 Speaker of the House of Representatives of the United
17 States Congress and to the Wyoming Congressional
18 Delegation.

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(END)