

1508. SPECIFICALLY MENTIONED IDENTIFICATION DOCUMENTS -- 18 U.S.C. 1028

Section 1028 of Title 18 designates three special non-federal identification documents and gives them preferred treatment. These three documents, in the absence of a national identity card, are the prime means by which an individual establishes his identity in the United States. The three documents are: (A) birth certificate; (B) driver's license; and (C) personal identification card.

- A. "Birth Certificate" is not defined in 18 U.S.C. § 1028 since it is self-explanatory. This document is issued by different agencies in different states and foreign countries. Nevertheless, it represents the official governmental statement by the proper government agency that a person having such a name was born on a particular date in a particular place of specific parentage. Obviously, a birth certificate is not intended to actually identify the person who claims such a document pertains to him. There are few physical characteristics that remain the same as those at the time of birth. Nevertheless, the birth certificate has become "commonly accepted" as an identification document in this country.
- B. "Driver's License" is not defined in 18 U.S.C. § 1028. The original purpose of this government issued document was to state that a particular person was authorized to operate a vehicle upon the public roadways. It was not intended to establish one's identity. Because of the absence of a better document, however, the driver's license eventually has become "commonly accepted" as the "national identity card." Section 1028 covers both domestic as well as foreign government issued driver's licenses.
- C. "Personal Identification Card" is defined in 18 U.S.C. § 1028(d)(4) to mean "an identification document issued by a State or local government solely for the purpose of identification" This definition would appear to limit such documents to those issued by domestic (i.e., within the United States) governmental entities in contrast to the first two (birth certificates and driver's licenses). This document is normally issued by state departments of motor vehicles to provide an identification document for those persons who do not for some reason obtain a driver's license. In 1979, the National Committee on Uniform Traffic Laws and Ordinances, authors of the Uniform Vehicle Code (UVC), provided for the issuance of identification cards for non-drivers and restrictions on the unlawful use of such cards. The UVC, which serves as the model state code for vehicular matters, defines a "personal identification card" as "a document issued by the department [of motor vehicles] for the sole purpose of identifying the bearer and not authorized for use as a driver's license." UVC § 1-156 (1987).

[cited in [JM 9-64.400](#)]

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