

**PROPOSED REGULATION OF THE
OFFICE OF THE ATTORNEY GENERAL**

LCB File No. R016-07

July 19, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-9, NRS 205.4651.

A REGULATION relating to identity theft passports; establishing procedures for the issuance of identity theft passports; and providing other matters properly relating thereto.

Section 1. Chapter 205 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Identity theft” has the meaning ascribed to it in NRS 205.4651.*

Sec. 4. *“Identity theft passport” has the meaning ascribed to it in NRS 205.4651.*

Sec. 5. *A person may apply for an identity theft passport if the person:*

- 1. Is a victim of identity theft in this State; and*
- 2. Has filed with a law enforcement agency in this State a written report stating that the person is a victim of identity theft.*

Sec. 6. *In the counties of Carson City, Churchill, Clark, Douglas, Lyon, Storey and Washoe:*

1. At the time that a person files with a law enforcement agency a written report stating that the person is a victim of identity theft, the law enforcement agency must provide to the person a pamphlet prepared by the Attorney General which contains an application for an identity theft passport.

2. If the person wishes to apply for an identity theft passport, the law enforcement agency must:

(a) Assist the person in completing the application;

(b) Refer the person to the Office of the Attorney General for the processing of the application; and

(c) Forward the completed application, the written report stating that the person is a victim of identity theft and the supporting documentation which proves the identity of the person to the Office of the Attorney General for processing.

Sec. 7. *In the counties of Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing and White Pine:*

1. At the time that a person files with a law enforcement agency a written report stating that the person is a victim of identity theft, the law enforcement agency must provide to the person a pamphlet prepared by the Attorney General which contains an application for an identity theft passport.

2. If the person wishes to apply for an identity theft passport, the law enforcement agency must:

(a) Assist the person in completing the application;

(b) Refer the person to the office of the sheriff of the county where the written report was made to complete the entry of data for the application; and

(c) Forward the completed application, the written report stating that the person is a victim of identity theft and the supporting documentation which proves the identity of the person to the Office of the Attorney General for processing.

Sec. 8. 1. *The Attorney General will approve an application for an identity theft passport if the Attorney General determines that:*

(a) The person applying for an identity theft passport is a victim of identity theft in this State;

(b) The person has filed with a law enforcement agency in this State a written report stating that the person is a victim of identity theft;

(c) The application is complete; and

(d) The supporting documentation submitted with the application proves the identity of the person.

2. *If the Attorney General approves an application, the Attorney General will issue and mail to the applicant an identity theft passport. An applicant who receives an identity theft passport must activate the identity theft passport by contacting the Office of the Attorney General. An identity theft passport is valid only if the applicant has activated the identity theft passport.*

3. *If the Attorney General denies an application, the Attorney General will mail to the applicant written notification of the denial.*

Sec. 9. *When the Attorney General is able to transfer electronically to the Nevada Criminal Justice Information System information concerning the issuance of an identity theft passport:*

1. The Attorney General will report to the Nevada Criminal Justice Information System the issuance of an identity theft passport.

2. A law enforcement officer who is presented with an identity theft passport may verify the validity of the identity theft passport by accessing the Nevada Criminal Justice Information System.