

**ADOPTED REGULATION OF THE
OFFICE OF THE ATTORNEY GENERAL**

LCB File No. R016-07

Effective October 31, 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 shall 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 shall:

(a) Assist the person in completing the application;

(b) Review the supporting documentation of the person to confirm the identity of the person;

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

(d) Forward the completed application and a copy of the written report stating that the person is a victim of identity theft 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 shall 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 shall:

(a) Assist the person in completing the application;

(b) Review the supporting documentation of the person to confirm the identity of the person;

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

(d) Forward the completed application and a copy of the written report stating that the person is a victim of identity theft 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; and

(c) The application is complete.

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. 1. *When the Attorney General is able to transfer electronically to the Division information concerning the issuance of an identity theft passport:*

(a) The Attorney General will report to the Division the issuance of an identity theft passport.

(b) A law enforcement officer who is presented with an identity theft passport may verify the validity of the identity theft passport by accessing the repository of information concerning the issuance of identity theft passports established and maintained by the Division.

2. As used in this section, "Division" means the Records and Technology Division of the Department of Public Safety.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R016-07

The Office of the Attorney General formally adopted permanent regulations to facilitate the implementation of the Identity Theft Passport program pursuant to NRS 205.4651 on September 17, 2007.

INFORMATIONAL STATEMENT

1. Public comment solicited through the posting of “Notice of Workshop to Solicit Comments on Proposed Regulation,” posted August 13, 2007, at the Nevada Attorney General’s Office in Carson City, Reno, Ely and Las Vegas, the Carson City Courthouse and the Legislative Building in Carson City. The workshop took place on September 12, 2007, at the Attorney General’s Office in Carson City and via teleconference with the Attorney General’s Office in Las Vegas. The “Notice of Intent to Act Upon A Regulation” was posted August 13, 2007, at the Nevada Attorney General’s Office in Carson City, Reno, Ely and Las Vegas, at the state libraries in all other counties, and on the Sheriff’s and Chief’s Association group e-mail. The public hearing took place on September 17, 2007, at the Attorney General’s Office in Carson City and via teleconference with the Attorney General’s Office in Las Vegas. There was no written response. There were two verbal responses: the Department of Public Safety requested “Nevada Criminal Justice Information System” in Section 9 be changed to “Nevada Department of Public Safety Record and Technology Repository.” The second verbal response was at the workshop by Henderson Police Department, which addressed the merits of the Passport program and not the adoption of regulations. This serves as the full summary of the public response received on the permanent regulations.
2. Twelve members of the public attended the workshop, with eight attending in the Carson City office and four attending via teleconference in Las Vegas. One person testified at the workshop. Three members of the public attended the public workshop, with two attending the Carson City office and one attending via teleconference in Las Vegas. There was no written response to the proposed permanent regulations.
3. The permanent regulations do not affect business. No further solicitation of businesses was attempted other than that described in (1) above. No further response from the public received other than that described in (1) above.
4. A recording was made of the workshop and of the public hearing. A copy of the recording may be ordered by writing the Attorney General’s Office, Attn: Identity Theft Passport Program.
5. The only change made to the regulation was to change “Nevada Criminal Justice Information System” in Section 9 to “Nevada Department of Public Safety Record and Technology Repository.”
6. There are no estimated economic effects of the regulation on businesses or on the public.
7. There is no estimated cost to the agency for enforcement of the proposed regulation.
8. There are no known state or federal regulations that the proposed regulation overlaps or duplicates.
9. There is no federal regulation that regulates the same activity.
10. The proposed regulation does not impose a fee.