

**LCB File No. R004-11**

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

**NOTICE OF INTENT TO ACT UPON A REGULATION**

**Notice of Hearing for the Amendment  
of Regulations of the  
Office of the Nevada Attorney General**

The Office of the Nevada Attorney General will hold a public hearing at 3:00 p.m., on Friday, October 21, 2011, at the Nevada Attorney General's Office, 100 North Carson Street, Mock Courtroom, Carson City, Nevada, and via video conferencing at the Nevada Attorney General's Office, 555 East Washington Avenue, Room 4500, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations that pertain to Chapter 205 of the Nevada Administrative Code (NAC).

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The purpose of the proposed amendment is to amend the existing regulations to reflect the change in the name of the Identity Theft Passport program to the Identity Theft Program Card pursuant to NRS 205.4651.
2. The proposed amendments to the regulation is as follows:

**Section 1.** NAC 205.030 is hereby amended to read as follows:  
205.030 "Identity theft ~~passport~~ *program card*" has the meaning ascribed to it in NRS 205.4651.

**Sec. 2.** NAC 205.040 is hereby amended to read as follows:

205.040 A person may apply for an identity theft ~~passport~~ *program card* 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. 3.** NAC 205.050 is hereby amended to read as follows:

205.050 ~~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~~ *program card*.

2. If the person wishes to apply for an identity theft ~~{passport, the law enforcement agency}~~ *program card, any agency designated by the Attorney General* 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}~~ *Forward the completed application* ~~{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}~~ *review*.

**Sec. 4.** NAC 205.070 is hereby amended to read as follows:

205.070 1. The Attorney General will approve an application for an identity theft ~~{passport}~~ *program card* if the Attorney General determines that:

- (a) The person applying for an identity theft ~~{passport}~~ *program card* 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}~~ *program card*. An applicant who receives an identity theft ~~{passport}~~ *program card* must activate the identity theft ~~{passport}~~ *program card* by contacting the Office of the Attorney General. An identity theft ~~{passport}~~ *program card* is valid only if the applicant has activated the identity theft ~~{passport}~~ *program card*.

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

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## TEXT OF REPEALED SECTIONS

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**205.060 Application in Counties of Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing and White Pine.** (NRS 205.4651) 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.

**NAC 205.080 Reports of issuance; verification of validity (NRS 205.4651).**

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.

3. The proposed amended regulation has no direct impact on small businesses.

4. There are no estimated economic effects of the proposed amended regulation on businesses or on the public.

5. There is no estimated cost to the agency for enforcement of the proposed amended regulation.

6. There are no known state or federal regulations that the proposed amended regulation overlaps or duplicates.

7. This proposed amended regulation is not required pursuant to federal law.

8. There is no federal regulation that regulates the same activity.

9. The proposed amended regulation does not impose a fee.

Persons wishing to comment upon the proposed action of the Office of the Nevada Attorney General may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to Nevada Attorney General's Office, Attn: Identity Theft Program, 100 N. Carson Street, Carson City, NV 89701-4717. Written submissions must be received by the Office of the Nevada Attorney General on or before October 21, 2011. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Attorney General's Office may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at Nevada Attorney General's Office, 100 N. Carson St., Carson City, NV 89701; Nevada Attorney General's Office, 555 E. Washington Ave., Ste. 3900, Las Vegas, NV 89101; Nevada Attorney General's Office, 5420 Kietzke Ln., Ste. 202, Reno, NV 89511; Nevada Attorney General's Office, 1539 Avenue F, Ste. 2, Ely, NV 89301, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed amended regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Attorney General's Office  
100 N. Carson St.  
Carson City, NV 89701-4717

Carson City Courthouse  
885 E. Musser St.  
Carson City, NV 89701-3795

Nevada Attorney General's Office  
555 E. Washington Ave., #3900  
Las Vegas, NV 89101-1068

Nevada Legislative Building  
401 S. Carson St.  
Carson City, NV 89701-4747

Nevada Attorney General's Office  
5420 Kietzke Ln., Ste. 202  
Reno, NV 89511-2062

Churchill County Library  
553 S. Maine St.  
Fallon, NV 89406-3306

Nevada Attorney General's Office  
1539 Avenue F, Ste. 2  
Ely, NV 89301-1896

Douglas County Library  
1625 Library Ln.  
P.O. Box 337  
Minden, NV 89423-0337

Elko County Library  
720 Court St.  
Elko, NV 89801-3331

Esmeralda County Library  
233 Crook St.  
P.O. Box 430  
Goldfield, NV 89013-0430

Eureka County Library  
210 S. Monroe St.  
P.O. Box 293  
Eureka, NV 89316-0293

Humboldt County Library  
85 E. Fifth St.  
Winnemucca, NV 89445-3010

Sheriffs' and Chiefs' Association  
webpage

Lander County Library  
625 S. Broad St.  
P.O. Box 141  
Battle Mountain, NV 89820-0141

Lincoln County Library  
63 Main St.  
P.O. Box 330  
Pioche, NV 89043-0330

Lyon County Library  
20 Nevin Way  
Yerington, NV 89447-2327

Mineral County Library  
110 First St.  
P.O. Box 1390  
Hawthorne, NV 89415-1390

Pershing County Library  
1125 Central Ave.  
P.O. Box 781  
Lovelock, NV 89419-0781

Storey County Library  
95 S. R St.  
P.O. Box 14  
Virginia City, NV 89440-0014

Tonopah Public Library  
167 Central St.  
P.O. Box 449  
Tonopah, NV 89049-0449

Nevada State Library & Archives  
100 N. Stewart St.  
Carson City, NV 89701-4285