

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

LCB File No. R004-11

August 30, 2011

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

AUTHORITY: §§1-6, NRS 205.4651.

A REGULATION relating to identity theft; revising various provisions governing identity theft; and providing other matters properly relating thereto.

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 to the Office of the Attorney General for ~~[the processing]~~ *review* 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.

Sec. 5. NAC 205.080 is hereby amended to read as follows:

205.080 1. When the Attorney General is able to transfer electronically to the Division information concerning the issuance of an identity theft ~~[passport:]~~ *program card*:

(a) The Attorney General will report to the Division the issuance of an identity theft ~~[passport:]~~ *program card*.

(b) A law enforcement officer who is presented with an identity theft ~~[passport]~~ *program card* may verify the validity of the identity theft ~~[passport]~~ *program card* by accessing the repository of information concerning the issuance of identity theft ~~[passports]~~ *program card* 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.

Sec. 6. NAC 205.060 is hereby repealed.

TEXT OF REPEALED SECTION

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.