

CHAPTER.....

AN ACT relating to crimes; revising the provisions governing the application of victims of identity theft for an identity theft passport; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides that a person who is a victim of identity theft in this State may apply for an identity theft passport. (NRS 205.4651) This bill revises certain provisions concerning the identity theft passport to: (1) change the name from identity theft passport to identity theft program card; (2) revise the requirements concerning the filing of a signed written crime report by residents and nonresidents of this State; (3) clarify that an applicant must meet certain criteria before an identity theft program card may be issued; and (4) expand the types of agencies which may accept an application for an identity theft program card.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.4651 is hereby amended to read as follows:

205.4651 1. A person who is a victim of identity theft ~~in~~
who is a:

(a) Resident of this State and who has filed with a law enforcement agency *in any state* a *signed* written report stating that the person is a victim of identity theft ; *or*

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

may apply for an identity theft ~~passport~~ program card through any ~~law enforcement agency~~ agency designated by the Attorney General.

2. A ~~law enforcement~~ *designated* agency that receives an application for an identity theft ~~passport~~ *program card* shall submit the application and a copy of the written report described in subsection 1 to the Attorney General for ~~processing for~~ *review and, if the applicant meets the requirements pursuant to subsection 1,* issuance of an identity theft ~~passport~~ *program card.*

3. The Attorney General, in cooperation with any law enforcement agency, may issue an identity theft ~~passport~~ *program card* to a person who is a victim of identity theft.



4. A person who is issued an identity theft ~~passport~~ *program card* pursuant to subsection 3 may present his identity theft ~~passport~~ *program card* to:

(a) A law enforcement agency to help prevent the arrest or detention of the person for an offense committed by another person using his personal identifying information; or

(b) A creditor to aid in the investigation of any fraudulent account that is opened in his name or any fraudulent charge that is made against an account in his name.

5. The law enforcement agency or creditor that is presented with an identity theft ~~passport~~ *program card* pursuant to subsection 4 has sole discretion to accept or reject ~~such passport.~~ *the program card*. In determining whether to accept or reject the identity theft ~~passport.~~ *program card*, the law enforcement agency or creditor may consider the surrounding circumstances and available information regarding the identity theft of the person.

6. An application for an identity theft ~~passport~~ *program card* submitted pursuant to this section, including any supporting documentation, is not a public record, and no part of it may be released except to a law enforcement agency in this or another state.

7. The Attorney General may adopt regulations necessary to carry out the provisions of this section.

8. The Attorney General may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of this section.

9. *For the purposes of this section, "resident" shall be construed in accordance with the provisions of NRS 10.155.*

10. As used in this section:

(a) "Identity theft" means a violation of the provisions of NRS 205.463, 205.464 or 205.465.

(b) "Identity theft ~~passport~~ *program card*" means a card or certificate issued by the Attorney General that identifies a person who has ~~filed with a local or state law enforcement agency in the State of Nevada a signed written crime report that he is a victim of an alleged crime of identity theft~~ *complied with the provisions of subsection 1* and, except as otherwise provided in this section, must be given a reasonable opportunity to prove to a law enforcement agency, creditor or other lawfully interested person or governmental entity that he is the victim and not the perpetrator of any alleged crime, breach of contract or other wrongdoing normally associated with victims of the crime of identity theft.

