

Chapter 205 of NAC

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

LCB File No. T032-07

Filed with the Secretary of State on May 30, 2007

Definitions.

As used in the following sections, inclusive, unless the context otherwise requires:

1. "Identity theft" has the meaning ascribed to it in section 9 of NRS 205.4651.
2. "Identity theft passport" has the meaning ascribed to it in section 9 of NRS 205.4651.

Application and eligibility for permit.

Section 1. The Attorney General will issue an identity theft passport to the victim of identity theft upon approval of the victim's application for an identity theft passport. The victim may present the identity theft passport to law enforcement officers to help prevent arrest for offenses committed by another individual using the victim's identifying information. Law enforcement agencies must have the ability to verify the issuance of an identity theft passport to the victim using NCJIS. The victim can also present the identity theft passport to creditors to aid in the investigation of the existence of fraudulent accounts and/or fraudulent charges made against an account in the victim's name. While the identity theft passport will alert law enforcement officials and creditors that the individual was a victim of identity theft in the past, law enforcement agencies and creditors maintain sole discretion in the acceptance or rejection of the identity theft passport.

Sec. 2. The Attorney General shall review the application and supporting documentation of an applicant to determine if the person is eligible for an identity theft passport. A person is eligible to apply for an identity theft passport if he:

- (a) Is a resident of the State of Nevada;
- (b) Is the victim of identity theft; and
- (c) Has reported the theft of his identity to a law enforcement agency in a written report that he is the victim of identity theft.

Sec. 3. In all law enforcement agencies located in the counties of Carson City, Churchill, Clark, Douglas, Lyon, Storey, and Washoe, the law enforcement agency will file a written report of an identity theft. At that time, the law enforcement agency will provide the victim of identity theft a pamphlet prepared by the Attorney General. If the victim wishes to apply for an identity theft passport, he must make an appointment with the Attorney General's Office¹ to complete the application and provide the necessary supporting documentation to demonstrate proof of identity of the victim.

Sec. 4. In all law enforcement agencies located in the counties of Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, and White Pine, the law enforcement agency must file a written report of an identity theft. If the victim would like to apply for an

identity theft passport, they must contact either the Attorney General's Office or their local sheriff's department, who shall complete an online application for the victim and shall further obtain the necessary documentation to show proof of identity. All applications shall be forwarded to the Attorney General.

Sec. 5. Regardless of the county in which the report is filed, upon receipt of the completed application and supporting documents, the Attorney General will review the documentation. All documentation received by the Attorney General will be considered confidential and not a matter of public record. The Attorney General will grant an application for an identity theft passport if he determines that:

- (a) All paperwork is in order, and
- (b) The applicant is the victim of identity theft.

Sec. 6. Upon approval of the application, the Attorney General will issue an identity theft passport. The identity theft passport will be mailed to the victim. The victim shall activate the identity theft passport with the Attorney General. If an application for an identity theft passport is denied by the Attorney General, the Attorney General will send the applicant written notification of denial.

ADOPTED this ____ day of April, 2007.

CATHERINE CORTEZ MASTO
Attorney General

NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T032-07

The Office of the Attorney General adopted temporary regulations assigned LCB File No. T032-07 which pertain to chapter 205 of the Nevada Administrative Code on April 25, 2007.

INFORMATIONAL STATEMENT

The Nevada Attorney General's Office formally adopted temporary regulations to facilitate the implementation of the Identity Theft Passport program pursuant to NRS 205.4651 on April 25, 2007.

The following information is provided pursuant to the requirements of NRS 233B.066:

1. Public comment solicited first through presentation of the proposed regulations to the Sheriff and Chief's Association meeting on February 21, 2007. Public comment was further solicited through the posting of "Notice of Intent to Act Upon A Regulation" and "Notice of Workshop to Solicit Comments on Proposed Regulation" on March 21, 2007, at the Nevada Attorney General's Office in Carson City, Reno, Ely and Las Vegas, and at the state libraries in all other counties. Notices were also posted at the Carson City Courthouse and the Nevada Legislative Building. The only written responses received were through the Advisory Council for Prosecuting Attorneys which questioned why there was a division based on county of residency, and requested specification as to which law enforcement agency in the county the victim should report the crime. There were no other written or verbal responses. This serves as the full summary of the public response received on the temporary regulations.
2. Approximately sixty people attended the Sheriff and Chief's Association meeting, comprised of law enforcement from around Nevada. No members of the public attended the workshop or public hearing. The only two written responses to the proposed temporary regulations are detailed in (1) above.
3. The temporary regulations do not affect business. No further solicitation of businesses was attempted other than that described in (1) above.
4. There was no public comment other than that provided in (1) above. Those comments were addressed outside the regulations. Only grammatical changes were made to the proposed temporary regulations.
5. There are no estimated economic effects of the regulation on businesses or on the public.
6. There is no estimated cost to the agency for enforcement of the proposed regulation.
7. There are no known state or federal regulations that the proposed regulation overlaps or duplicates.
8. There is no federal regulation that regulates the same activity.
9. The proposed regulation does not impose a fee.