

Chapter 205 of NAC

ADOPTED TEMPORARY REGULATION OF THE
OFFICE OF THE ATTORNEY GENERAL

LCB File No. T013-10

Filed with the Secretary of State on November 22, 2010

205.020 “Identity theft” defined. “Identity theft” has the meaning ascribed to it in NRS 205.4651(9)(a).

205.030 “Identity theft ~~[passport]~~ program card” defined. “Identity theft ~~[passport]~~ program card” has the meaning ascribed to it in NRS 205.4651(9)(b).

205.040 Eligibility. 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.

205.050 Application in Counties of Carson City, Churchill, Clark, Douglas, Lyon, Storey and Washoe. 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]~~ program card, the ~~[law enforcement]~~ designated 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]~~ 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.

205.060 Application in Counties of Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing and White Pine. 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]~~ program card.

2. If the person wishes to apply for an identity theft ~~[passport]~~ program card, the ~~[law enforcement]~~ designated 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~~ review.

205.070 Approval or denial of application; issuance; activation.

- 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.

205.080 Reports of issuance; verification of validity.

- 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 cards 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 REGULATION

The Office of the Nevada Attorney General adopted temporary regulations that pertain to chapter 205 of the Nevada Administrative Code on November 22, 2010. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

Temporary Regulations of the Office of the Nevada Attorney General

The Office of the Nevada Attorney General formally adopted temporary regulations to facilitate the amendment of Chapter 205 of the Nevada Administrative Code regarding the Identity Theft Program pursuant to NRS 205.4651 on November 22, 2010.

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

1. Public comment was solicited through the posting of the “Notice of Intent to Act Upon A Regulation,” “Notice of Public Hearing to Solicit Comments on Proposed Regulation,” and “Notice of Workshop to Solicit Comments on Proposed Regulation” on October 8, 2010, at the Nevada Attorney General’s offices 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, the Nevada Legislative Building, and the Sheriffs and Chiefs Association website. A workshop was held at the Attorney General’s Office in Carson City, and via video conference with the Attorney General’s Office in Las Vegas, on November 15, 2010. A public hearing was held on November 18, 2010, at the same locations. There were no written or verbal responses received as a result of the posting. This serves as the full summary of the public response received on the temporary regulations.
2. There were no written statements regarding the temporary regulation. There were no attendees at either the workshop or public hearing except those representing the Attorney General’s Office.
3. The temporary regulations do not affect business. No further solicitation of businesses was attempted other than that described in (1) above.
4. No verbal or written responses were received. To the extent any member of the public has questions regarding the proceeding, they may contact the Nevada Attorney General’s Office, 100 N. Carson St., Carson City, NV 89701, or by calling (775) 684-1100.
5. The regulation was adopted without change as there was no public comment.

6. There are no estimated economic effects of the regulation on businesses or on the public.
7. There is no estimated cost 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.