

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

LCB File No. R004-11

Effective December 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 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.

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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R004-11**

The Office of the Attorney General adopted regulations assigned LCB File No. R004-11 which pertain to chapter 205 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
NRS 233B.066
LCB FILE R004-11**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 205.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and e-mail on September 15, 2011, to persons who were known to have an interest in the subject of the Identity Theft Passport/Program Card as well as any persons who had specifically requested such notice. These documents were e-mailed to the Sheriffs' and Chiefs' Association, mailed to all county libraries in Nevada and 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

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

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

The workshop was held on October 17, 2011. There were no attendees. The public hearing was held on October 21, 2011. Again, there were no attendees. There were no written comments submitted by the deadline of October 21, 2011.

Questions regarding the workshop and public hearing may be directed to the Nevada Attorney General's Office, Attn: Identity Theft Program, 100 N. Carson St., Carson City, Nevada 89701; 775-684-1100; or hprocter@ag.nv.gov.

2. **The number persons who:**
 - (a) **Attended each hearing:** October 17, 2011 – 0; October 21, 2011 – 0
 - (b) **Testified at each hearing:** October 17, 2011 – 0; October 21, 2011 – 0
 - (c) **Submitted to the agency written comments:** No written comments were submitted.

3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

The regulations do not affect businesses. No further solicitation of businesses was attempted other than described in (1) above.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No verbal or written responses were received. The permanent regulation was adopted on October 24, 2011.

5. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

There are no estimated economic effects of the regulation on businesses or the public. The amendments reflect the current method used by law enforcement and the Nevada Attorney General's Office to process Identity Theft Program Cards.

6. **The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

7. **A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate or overlap.

8. **If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

There is no federal regulation that regulates the same activity.

9. **If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

The proposed regulation does not impose a fee.

10. **Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The proposed regulation does not impose a direct or significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.