

CHAPTER.....

AN ACT relating to personal identifying information; authorizing the Attorney General to issue identity theft passports to victims of identity theft; prescribing the manner in which victims of identity theft may use such passports; requiring the Attorney General to adopt regulations relating to the issuance of identity theft passports; authorizing the Attorney General to accept gifts, grants and donations to carry out the provisions relating to the issuance of identity theft passports; making an appropriation; and providing other matters properly relating thereto.

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

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is a victim of identity theft in this State and who has filed with a law enforcement agency a written report stating that the person is a victim of identity theft may apply for an identity theft passport through any law enforcement agency.

2. A law enforcement agency that receives an application for an identity theft passport shall submit the application and a copy of the written report described in subsection 1 to the Attorney General for processing for issuance of an identity theft passport.

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

4. A person who is issued an identity theft passport pursuant to subsection 3 may present his identity theft passport 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 pursuant to subsection 4 has sole discretion to accept or reject such passport. In determining whether to accept or reject the identity theft passport, 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 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. 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" 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 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.

Sec. 2. NRS 205.461 is hereby amended to read as follows:

205.461 As used in NRS 205.461 to 205.4657, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 205.4613 to 205.4627, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Office of the Attorney General for expenses relating to the implementation of section 1 of this act:

For the Fiscal Year 2005-2006.....	\$24,156
For the Fiscal Year 2006-2007.....	\$11,554

2. The sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and must be reverted to the State General Fund on or before September 15, 2006, and September 21, 2007, respectively.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective upon passage and approval for the purposes of adopting regulations and on January 1, 2006, for all other purposes.

3. Section 3 of this act becomes effective on July 1, 2005.