

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 744 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H2/25/05

A Bill

HOUSE BILL 1740

5 By: Representatives Bond, Abernathy, Childers, D. Creekmore, Dobbins, Edwards, D. Evans, R. Green,
6 D. Johnson, J. Johnson, J. Martin, Mathis, Pate, Pickett, S. Prater, Sullivan, Thomason, Thompson,
7 Thyer, Walters, Wills, Wood
8 By: Senator Salmon
9

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11 **For An Act To Be Entitled**

12 AN ACT TO PROVIDE FOR THE ISSUANCE OF AN IDENTITY
13 THEFT PASSPORT BY THE ATTORNEY GENERAL TO VICTIMS
14 OF FINANCIAL IDENTITY FRAUD; AND FOR OTHER
15 PURPOSES.
16

17 **Subtitle**

18 AN ACT TO PROVIDE FOR THE ISSUANCE OF AN
19 IDENTITY THEFT PASSPORT BY THE ATTORNEY
20 GENERAL TO VICTIMS OF FINANCIAL IDENTITY
21 FRAUD
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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26 SECTION 1. Arkansas Code Title 5, Chapter 37, Subchapter 2, is amended
27 to add a new section as follows:

28 5-37-228. Identity theft passport.

29 (a)(1) The Attorney General in cooperation with any law enforcement
30 agency may issue an identity theft passport to a person who:

31 (A) Is a resident of this state;

32 (B) Learns or reasonably suspects that he or she is a
33 victim of financial identity fraud; and

34 (C) Has filed a police report citing that the person is a
35 victim of financial identity fraud as prohibited by § 5-37-227.



1 (2)(A) A person who learns or reasonably suspects that he or she
2 is the victim of financial identity fraud may contact the local law
3 enforcement agency that has jurisdiction over the city or county in which the
4 person resides.

5 (B) The local law enforcement agency:

6 (i) Shall make a police report of the matter whether
7 or not the agency has jurisdiction to investigate and prosecute a crime of
8 financial identity fraud against the victim;

9 (ii) Shall provide the victim with a copy of the
10 report; and

11 (iii) May refer the report to a law enforcement
12 agency with jurisdiction to investigate and prosecute a crime of financial
13 identity fraud.

14 (C) Nothing in this section shall interfere with the
15 discretion of a local law enforcement agency to allocate resources for
16 investigations of crimes.

17 (D) A report filed by a victim of financial identity fraud
18 under this section is not required to be counted as an open case for purposes
19 such as compiling open case statistics.

20 (3) After the victim has filed a report with any local law
21 enforcement agency, the victim may apply for an identity theft passport by
22 sending a copy of the police report, an application for an identity theft
23 passport, and any other supporting documentation requested by the Attorney
24 General to the Attorney General's office.

25 (4) The Attorney General shall process the application and
26 supporting police report and may issue the victim of financial identity fraud
27 an identity theft passport in the form of a card or certificate.

28 (b)(1) A victim of financial identity fraud may present the victim's
29 identity theft passport issued under this section to:

30 (A) A law enforcement agency to help prevent the victim's
31 arrest or detention for offenses committed by someone other than the victim,
32 who is using the victim's identity;

33 (B) Any of the victim's creditors to aid in the creditor's
34 investigation and establishment of whether fraudulent charges were made
35 against accounts in the victim's name or whether accounts were opened using
36 the victim's identity; or

1 (C) Any other entity to aid in the entity’s investigation
2 of whether the victim’s identity was fraudulently obtained or used without
3 the victim’s consent.

4 (2)(A) Acceptance of the identity theft passport presented by
5 the victim to a law enforcement agency, creditors, or other entity under
6 subdivision (b)(1) of this section is at the discretion of the law
7 enforcement agency, creditor, or other entity.

8 (B) A law enforcement agency, creditor, or other entity
9 may consider the identity theft passport as well as surrounding circumstances
10 and available information concerning the offense of financial identity fraud
11 against the victim in determining whether to accept the identity theft
12 passport.

13 (3)(A) An application for an identity theft passport under
14 subsection (a) of this section and any supporting documentation are not a
15 public record.

16 (B) The Attorney General may provide access to the
17 applications and supporting documentation to other criminal justice or law
18 enforcement agencies in this state or another state.

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20 */s/ Bond, et al*

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23 **APPROVED: 3/09/2005**

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