

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.

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

## 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.

## 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.

36 (2)(A) A person who learns or reasonably suspects that he or she



1 is the victim of financial identity fraud may contact the local law  
2 enforcement agency that has jurisdiction over the city or county in which the  
3 person resides.

4 (B) The local law enforcement agency:

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

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

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

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

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

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

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

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

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

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

36 (C) Any other entity to aid in the entity's investigation

1 of whether the victim's identity was fraudulently obtained or used without  
2 the victim's consent.

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

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

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

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

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19 */s/ Bond, et al*  
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