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	1 State of Arkansas As Engrossed: H2/25/05		
2	2 85th General Assembly A B111		
3	3 Regular Session, 2005	HOUSE BILL 1740	
4	4		
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	7 Thyer, Walters, Wills, Wood		
8	8 By: Senator Salmon		
9	9		
10	10		
11	For An Act To Be Entitled		
12	12 AN ACT TO PROVIDE FOR THE ISSUANCE	OF AN IDENTITY	
13	13 THEFT PASSPORT BY THE ATTORNEY GEN	ERAL TO VICTIMS	
14	OF FINANCIAL IDENTITY FRAUD; AND F	OR OTHER	
15	PURPOSES.		
16	16		
17	17 Subtitle		
18	18 AN ACT TO PROVIDE FOR THE ISSUA	NCE OF AN	
19	19 IDENTITY THEFT PASSPORT BY THE	ATTORNEY	
20	20 GENERAL TO VICTIMS OF FINANCIAL	IDENTITY	
21	21 FRAUD		
22	22		
23	23		
24	24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STAT	TE OF ARKANSAS:	
25	25		
26	26 SECTION 1. Arkansas Code Title 5, Chapter	37, Subchapter 2, is amended	
27	27 to add a new section as follows:		
28	28 <u>5-37-228. Identity theft passport.</u>		
29	29 <u>(a)(1) The Attorney General in cooperation</u>	n with any law enforcement	
30	30 <u>agency may issue an identity theft passport to a</u>	person who:	
31	31 <u>(A) Is a resident of this stat</u>	<u>:e;</u>	
32	32 <u>(B) Learns or reasonably suspe</u>	ects that he or she is a	
33	33 <u>victim of financial identity fraud; and</u>		
34	34 <u>(C) Has filed a police report</u>	(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)(l) 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.	
19		
20	/s/ Bond, et al	
21		
22		
23	APPROVED: 3/09/2005	
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		

1