For An Act To Be Entitled
AN ACT TO PROVIDE FOR THE ISSUANCE OF AN IDENTITY THEFT PASSPORT BY THE ATTORNEY GENERAL TO VICTIMS OF FINANCIAL IDENTITY FRAUD; AND FOR OTHER PURPOSES.

Subtitle
AN ACT TO PROVIDE FOR THE ISSUANCE OF AN IDENTITY THEFT PASSPORT BY THE ATTORNEY GENERAL TO VICTIMS OF FINANCIAL IDENTITY FRAUD

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 5, Chapter 37, Subchapter 2, is amended to add a new section as follows:

5-37-228. Identity theft passport.
(a)(1) The Attorney General in cooperation with any law enforcement agency may issue an identity theft passport to a person who:
(A) Is a resident of this state;
(B) Learns or reasonably suspects that he or she is a victim of financial identity fraud; and
(C) Has filed a police report citing that the person is a victim of financial identity fraud as prohibited by § 5-37-227.
(2)(A) A person who learns or reasonably suspects that he or she is the victim of financial identity fraud may contact the local law enforcement agency that has jurisdiction over the city or county in which the person resides.

(B) The local law enforcement agency:

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

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

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

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

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

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

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

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

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

(B) Any of the victim’s creditors to aid in the creditor’s investigation and establishment of whether fraudulent charges were made against accounts in the victim’s name or whether accounts were opened using the victim's identity; or
(C) Any other entity to aid in the entity's investigation
of whether the victim's identity was fraudulently obtained or used without
the victim's consent.

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

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

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

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

/s/ Bond, et al

APPROVED: 3/09/2005