

FILED FEB 27 2006

SENATE FILE 2282
BY WARNSTADT

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the issuance of identity theft passports by
2 the attorney general.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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JUDICIARY
SF 2282

1 Section 1. NEW SECTION. 715A.9A IDENTITY THEFT PASSPORT.

2 1. The attorney general, in cooperation with any law
3 enforcement agency, may issue an identity theft passport to a
4 person who meets both of the following requirements:

5 a. Is a victim of identity theft in this state as
6 described in section 715A.8.

7 b. Has filed a police report with any law enforcement
8 agency citing that the person is a victim of identity theft.

9 2. A victim who has filed a report of identity theft with
10 a law enforcement agency may apply for an identity theft
11 passport through the law enforcement agency. The law
12 enforcement agency shall send a copy of the police report and
13 the application to the attorney general, who shall process the
14 application and supporting report and may issue the victim an
15 identity theft passport in the form of a card or certificate.

16 3. A victim of identity theft issued an identity theft
17 passport may present the passport to any of the following:

18 a. A law enforcement agency, to help prevent the victim's
19 arrest or detention for an offense committed by someone other
20 than the victim who is using the victim's identity.

21 b. A creditor of the victim, to aid in the creditor's
22 investigation and establishment of whether fraudulent charges
23 were made against accounts in the victim's name or whether
24 accounts were opened using the victim's identity.

25 c. A consumer reporting agency, which shall accept the
26 passport as notice of a dispute and shall include notice of
27 the dispute in all future reports that contain disputed
28 information caused by identity theft.

29 4. A law enforcement agency, creditor, or consumer
30 reporting agency may accept an identity theft passport issued
31 pursuant to this section and presented by a victim at the
32 discretion of the law enforcement agency, creditor, or
33 consumer reporting agency. A law enforcement agency,
34 creditor, or consumer reporting agency may consider the
35 surrounding circumstances and available information regarding

1 the offense of identity theft pertaining to the victim.

2 5. An application made with the attorney general under
3 subsection 2, including any supporting documentation, shall be
4 confidential and shall not be a public record subject to
5 disclosure under chapter 22.

6 6. The attorney general shall adopt rules necessary to
7 implement this section, which shall include a procedure by
8 which the attorney general shall assure that an identity theft
9 passport applicant has an identity theft claim that is
10 legitimate and adequately substantiated.

11 EXPLANATION

12 This bill authorizes the attorney general to issue an
13 identity theft passport to a victim of the criminal offense of
14 identity theft, as defined in Code section 715A.8, who has
15 filed a police report with a law enforcement agency. A victim
16 of identity theft may apply for an identity theft passport
17 with the law enforcement agency, which shall send a copy of
18 the police report and application to the attorney general.

19 The identity theft passport shall be in the form of a card
20 or certificate which the victim may present to a law
21 enforcement agency, creditor, or consumer reporting agency to
22 help protect the victim from false criminal charges and
23 fraudulent credit charges. A law enforcement agency,
24 creditor, or consumer reporting agency may use discretion as
25 to whether to accept the identity theft passport after
26 considering surrounding circumstances and available
27 information concerning the commission of identity theft
28 against the victim presenting the passport.

29 An application for an identity theft passport and all
30 supporting documents shall be confidential and not considered
31 a public record under Code chapter 22. The attorney general
32 shall adopt rules necessary to issue the identity theft
33 passports and to ensure that applications for the identity
34 theft passports are legitimate.

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