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COMMERCE, REGULATION & LABOR

HOUSE FILE 2247  
BY SANDS

(COMPANION TO LSB 5518SS BY  
WARNSTADT)

Passed House, Date \_\_\_\_\_ Passed Senate, 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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HF 2247

TL5B 5518YH 81

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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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