

1 HOUSE BILL NO. 110

2 INTRODUCED BY FUREY

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN IDENTITY THEFT PASSPORT PROGRAM."6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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9 NEW SECTION. **Section 1. Identity theft passport -- application -- issuance.** (1) The attorney
10 general, in cooperation with any law enforcement agency, may issue an identity theft passport to a person who
11 is a victim of identity theft in this state and who has filed a police report citing that the person is a victim of a
12 violation of 45-6-332. A victim who has filed a report of identity theft with a law enforcement agency may apply
13 for an identity theft passport through any law enforcement agency. The agency shall send a copy of the police
14 report and the application to the attorney general. The attorney general shall process the application and
15 supporting report and may issue the victim an identity theft passport in the form of a card or certificate.

16 (2) (a) A victim of identity theft may present the victim's identity theft passport issued under subsection
17 (1) to any of the following:

18 (i) a law enforcement agency to help prevent the victim's arrest or detention for an offense committed
19 by someone other than the victim who is using the victim's identity;

20 (ii) any of the victim's creditors to aid in the creditors' investigation and establishment of whether
21 fraudulent charges were made against accounts in the victim's name or whether accounts were opened using
22 the victim's identity; or

23 (iii) a consumer reporting agency, as defined in 31-3-102, which shall accept the passport as the direct
24 conveyance of a dispute under 31-3-124 and shall include notice of the dispute in all future reports that contain
25 disputed information caused by identity theft.

26 (b) Acceptance of the identity theft passport presented by the victim to a law enforcement agency or
27 creditor pursuant to subsection (2)(a) is at the discretion of the law enforcement agency or creditor. A law
28 enforcement agency or creditor may consider the surrounding circumstances and available information regarding
29 the offense of identity theft pertaining to the victim.

30 (3) An application made with the attorney general pursuant to subsection (1), including any supporting

1 documentation, is confidential criminal justice information, as defined in 44-5-103, and must be disseminated
2 accordingly.

3 (4) THE ATTORNEY GENERAL SHALL ADOPT RULES TO IMPLEMENT THIS SECTION. THE RULES MUST INCLUDE A
4 PROCEDURE BY WHICH THE ATTORNEY GENERAL IS ASSURED THAT AN IDENTITY THEFT PASSPORT APPLICANT HAS AN
5 IDENTITY THEFT CLAIM THAT IS LEGITIMATE AND ADEQUATELY SUBSTANTIATED.

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7 NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an
8 integral part of Title 46, chapter 24, part 2, and the provisions of Title 46, chapter 24, part 2, apply to [section 1].

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