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HOUSE BILL NO. 1246

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend and reenact § 18.2-186.5 of the Code of Virginia, relating to Identity Theft Passport; police reports submitted to the Attorney General.

Patron—Toscano

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-186.5 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-186.5. Expungement of false identity information from police and court records; Identity Theft Passport.**

A. Any person whose name or other identification has been used without his consent or authorization by another person who has been charged or arrested using such name or identification may file a petition with the court for relief pursuant to § 19.2-392.2. A person who has petitioned the court pursuant to § 19.2-392.2 as a result of a violation of § 18.2-186.3, may submit to the Attorney General a certified copy of a court order obtained pursuant to § 19.2-392.2. Upon receipt by the Attorney General of a certified copy of the court order and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, may issue an "Identity Theft Passport" stating that such an order has been submitted. The Office of the Attorney General shall provide access to identity theft information to (i) criminal justice agencies and (ii) individuals who have submitted a court order pursuant to this ~~section~~ subsection.

B. Any person whose name or other identification has been used without his consent or authorization by another person may file with the Attorney General a certified copy of a police report showing that he has reported to a law-enforcement agency that his name or other identification has been used without his consent or authorization by another person. Upon receipt by the Attorney General of a certified copy of the police report and upon request by such person, the Office of the Attorney General, in cooperation with the State Police, may issue an Identity Theft Passport stating that such a police report has been submitted. The Office of the Attorney General shall provide access to identity theft information to (i) criminal justice agencies and (ii) individuals who have submitted a certified copy of a police report pursuant to this subsection.

C. When the Office of the Attorney General issues an Identity Theft Passport, it shall transmit a record of the issuance of the passport, and indicate under which subsection the passport was issued, to the Department of Motor Vehicles. The Department shall note on the individual's driver abstract that a court order was obtained pursuant to § 19.2-392.2 or a police report was filed and that an Identity Theft Passport has been issued. The provisions of § 2.2-3808 shall not apply to this section.

INTRODUCED

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