

2011 SESSION

INTRODUCED

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HOUSE BILL NO. 1714

Offered January 12, 2011

Prefiled January 10, 2011

A BILL to amend and reenact § 18.2-186.5 of the Code of Virginia, relating to expungement of false identity information from police and court records; issuance of Identity Theft Passport.

Patron—Wilt

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.

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, shall 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. When the Office of the Attorney General issues an Identity Theft Passport, it shall transmit a record of the issuance of the passport 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 and that an Identity Theft Passport has been issued. *The provisions of § 2.2-3803 shall not apply to this section.*

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