

110TH CONGRESS
1ST SESSION

H. R. 1759

AN ACT

To establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Managing Arson
3 Through Criminal History (MATCH) Act of 2007”.

4 **SEC. 2. ARSONIST REGISTRATION AND NOTIFICATION PRO-**
5 **GRAM.**

6 (a) **REGISTRY REQUIREMENTS FOR JURISDIC-**
7 **TIONS.—**

8 (1) **JURISDICTION TO MAINTAIN A REGISTRY.—**

9 Each jurisdiction shall establish and maintain a ju-
10 risdiction-wide arsonist registry conforming to the
11 requirements of this section.

12 (2) **GUIDELINES AND REGULATIONS.—**The At-
13 torney General shall issue guidelines and regulations
14 to interpret and implement this section.

15 (b) **REGISTRY REQUIREMENTS FOR CRIMINAL**
16 **ARSONISTS.—**

17 (1) **IN GENERAL.—**A criminal arsonist shall
18 register, and shall keep the registration current, in
19 each jurisdiction where the arsonist resides, where
20 the arsonist is an employee, and where the arsonist
21 is a student. For initial registration purposes only,
22 a criminal arsonist shall also register in the jurisdic-
23 tion in which convicted if such jurisdiction is dif-
24 ferent from the jurisdiction of residence.

25 (2) **INITIAL REGISTRATION.—**The criminal ar-
26 arsonist shall initially register—

1 (A) before completing a sentence of impris-
2 onment with respect to the offense giving rise
3 to the registration requirement; or

4 (B) not later than 5 business days after
5 being sentenced for that offense, if the criminal
6 arsonist is not sentenced to a term of imprison-
7 ment.

8 (3) KEEPING THE REGISTRATION CURRENT.—A
9 criminal arsonist shall, not later than 10 business
10 days after each change of name, residence, employ-
11 ment, or student status, appear in person in at least
12 one jurisdiction involved pursuant to paragraph (1)
13 and inform that jurisdiction of all changes in the in-
14 formation required for that arsonist in the arsonist
15 registry involved. That jurisdiction shall immediately
16 provide the revised information to all other jurisdic-
17 tions in which the arsonist is required to register.

18 (4) APPLICATION OF REGISTRATION REQUIRE-
19 MENTS.—

20 (A) IN GENERAL.—Except as provided in
21 guidelines under subparagraph (B), the require-
22 ments of this section, including the duties to
23 register and to keep a registration current, shall
24 apply only to a criminal arsonist who was con-
25 victed of a criminal offense involving arson on

1 or after the date of the enactment of this Act,
2 and who was notified of such duties and reg-
3 istered in accordance with subsection (f).

4 (B) APPLICATION TO CRIMINAL ARSONISTS
5 UNABLE TO COMPLY WITH PARAGRAPH (2).—

6 (i) GUIDELINES.—The Attorney Gen-
7 eral shall establish guidelines in accordance
8 with the provisions of this subparagraph
9 for each jurisdiction for the application of
10 the requirements of this section to criminal
11 arsonists convicted before the date of the
12 enactment of this Act or the date of its im-
13 plementation in such a jurisdiction, and
14 shall prescribe rules for the registration of
15 any such criminal arsonists who are other-
16 wise unable to comply with paragraph (2).

17 (ii) INFORMATION REQUIRED TO BE
18 INCLUDED IN REGISTRY.—With respect to
19 each criminal arsonist described in clause
20 (i) convicted during the 10-year period pre-
21 ceding the date of the enactment of this
22 Act, the guidelines under clause (i) shall
23 provide for the inclusion in the arsonist
24 registry of each applicable jurisdiction
25 (and, in accordance with subsection (j), the

1 provision by such jurisdiction to each enti-
2 ty described in such subsection) of the fol-
3 lowing information:

4 (I) The name of the arsonist (in-
5 cluding any alias used by the arson-
6 ist).

7 (II) The Social Security number
8 of the arsonist.

9 (III) The most recent known ad-
10 dress of the residence at which the ar-
11 sonist has resided.

12 (IV) A physical description of the
13 arsonist.

14 (V) The text of the provision of
15 law defining the criminal offense re-
16 lated to arson for which the arsonist
17 is convicted.

18 (VI) A set of fingerprints and
19 palm prints of the arsonist.

20 (VII) A photocopy of a valid driv-
21 er's license or identification card
22 issued to the arsonist by a jurisdic-
23 tion, if available.

24 (VIII) Any other information re-
25 quired by the Attorney General.

1 (iii) NOTICE REQUIRED.—The guide-
2 lines under clause (i) shall provide notice
3 to each criminal arsonist included in an ar-
4 sonist registry pursuant to this subpara-
5 graph of such inclusion.

6 (5) STATE PENALTY FOR FAILURE TO COM-
7 PLY.—Each jurisdiction, other than a Federally rec-
8 ognized Indian tribe, shall provide a criminal penalty
9 that includes a maximum term of imprisonment that
10 is greater than one year for the failure of a criminal
11 arsonist to comply with the requirements of this sec-
12 tion.

13 (6) AUTHORITY TO EXEMPT CERTAIN CRIMINAL
14 ARSONISTS FROM REGISTRY REQUIREMENTS.—A ju-
15 risdiction shall have the authority to exempt a crimi-
16 nal arsonist who has been convicted of the offense
17 of arson in violation of the laws of the jurisdiction
18 in which the offense was committed or the United
19 States for the first time from the registration re-
20 quirements under this section in exchange for such
21 arsonist's substantial assistance in the investigation
22 or prosecution of another person who has committed
23 an offense. The Attorney General shall assure that
24 any regulations promulgated under this section in-
25 clude guidelines that reflect the general appropriate-

1 ness of exempting such an arsonist from the reg-
2 istration requirements under this section.

3 (c) INFORMATION REQUIRED IN REGISTRATION.—

4 (1) PROVIDED BY THE ARSONIST.—A criminal
5 arsonist shall provide the following information to
6 the appropriate official for inclusion in the arsonist
7 registry of a jurisdiction in which such arsonist is
8 required to register:

9 (A) The name of the arsonist (including
10 any alias used by the arsonist).

11 (B) The Social Security number of the ar-
12 sonist.

13 (C) The address of each residence at which
14 the arsonist resides or will reside.

15 (D) The name and address of any place
16 where the arsonist is an employee or will be an
17 employee.

18 (E) The name and address of any place
19 where the arsonist is a student or will be a stu-
20 dent.

21 (F) The license plate number and a de-
22 scription of any vehicle owned or operated by
23 the arsonist.

24 (G) Any other information required by the
25 Attorney General.

1 (2) PROVIDED BY THE JURISDICTION.—The ju-
2 risdiction in which a criminal arsonist registers shall
3 ensure that the following information is included in
4 the registry for such arsonist:

5 (A) A physical description of the arsonist.

6 (B) The text of the provision of law defin-
7 ing the criminal offense for which the arsonist
8 is registered.

9 (C) The criminal history of the arsonist,
10 including the date of all arrests and convictions;
11 the status of parole, probation, or supervised
12 release; registration status; and the existence of
13 any outstanding arrest warrants for the arson-
14 ist.

15 (D) A current photograph of the arsonist.

16 (E) A set of fingerprints and palm prints
17 of the arsonist.

18 (F) A photocopy of a valid driver's license
19 or identification card issued to the arsonist by
20 a jurisdiction.

21 (G) Any other information required by the
22 Attorney General.

23 (d) DURATION OF REGISTRATION REQUIREMENT;
24 EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN
25 JUVENILE CRIMINAL ARSONISTS.—

1 (1) DURATION OF REGISTRATION REQUIRE-
2 MENT.—A criminal arsonist shall keep the registra-
3 tion information provided under subsection (c) cur-
4 rent for the full registration period (excluding any
5 time the arsonist is in custody). For purposes of this
6 subsection, the full registration period—

7 (A) shall commence on the later of the
8 date on which the arsonist is convicted of an of-
9 fense of arson in violation of the laws of the ju-
10 risdiction in which the offense was committed
11 or the United States, the date on which the ar-
12 sonist is released from prison for such convic-
13 tion, or the date on which such arsonist is
14 placed on parole, supervised release, or proba-
15 tion for such conviction; and

16 (B) shall be—

17 (i) five years for an arsonist who has
18 been convicted of such an offense for the
19 first time;

20 (ii) ten years for an arsonist who has
21 been convicted of such an offense for the
22 second time; and

23 (iii) for the life of the arsonist for an
24 arsonist who has been convicted of such an
25 offense more than twice.

1 (2) EXPUNGING REGISTRIES OF INFORMATION
2 FOR CERTAIN JUVENILE CRIMINAL ARSONISTS.—

3 (A) IN GENERAL.—In the case of a crimi-
4 nal arsonist described in subparagraph (B), a
5 jurisdiction shall expunge the arson registry of
6 such jurisdiction of information related to such
7 criminal arsonist as of the date that is 5 years
8 after the last day of the applicable full registra-
9 tion period under paragraph (1).

10 (B) CRIMINAL ARSONIST DESCRIBED.—
11 For purposes of subparagraph (A), a criminal
12 arsonist described in this subparagraph is a
13 criminal arsonist who—

14 (i) was a juvenile tried as an adult for
15 the offense giving rise to the duty to reg-
16 ister; and

17 (ii) was not convicted of any other
18 criminal felony during the period beginning
19 on the first day of the applicable full reg-
20 istration period under paragraph (1) and
21 ending on the last day of the 5-year period
22 described in subparagraph (A).

23 (C) APPLICATION TO OTHER DATA-
24 BASES.—The Attorney General shall establish a
25 process to ensure that each entity that receives

1 information under subsection (j) with respect to
2 a criminal arsonist described in subparagraph
3 (B) shall expunge the applicable database of
4 such information as of the date that is 5 years
5 after the last day of the applicable full registra-
6 tion period under paragraph (1).

7 (e) ANNUAL VERIFICATION.—Not less than once in
8 each calendar year during the full registration period, a
9 criminal arsonist required to register under this section
10 shall—

11 (1) appear in person at not less than one juris-
12 diction in which such arsonist is required to register;

13 (2) allow such jurisdiction to take a current
14 photograph of the arsonist; and

15 (3) while present at such jurisdiction, verify the
16 information in each registry in which that arsonist
17 is required to be registered.

18 (f) DUTY TO NOTIFY CRIMINAL ARSONISTS OF REG-
19 ISTRATION REQUIREMENTS AND TO REGISTER.—

20 (1) IN GENERAL.—An appropriate official shall,
21 shortly before release of a criminal arsonist from
22 custody, or, if the arsonist is not in custody, imme-
23 diately after the sentencing of the arsonist for the
24 offense giving rise to the duty to register—

1 (A) inform the arsonist of the duties of the
2 arsonist under this section and explain those
3 duties in a manner that the arsonist can under-
4 stand in light of the arsonist's native language,
5 mental capability, and age;

6 (B) ensure that the arsonist understands
7 the registration requirement, and if so, require
8 the arsonist to read and sign a form stating
9 that the duty to register has been explained and
10 that the arsonist understands the registration
11 requirement;

12 (C) if the arsonist is unable to understand
13 the registration requirements, the official shall
14 sign a form stating that the arsonist is unable
15 to understand the registration requirements;
16 and

17 (D) ensure that the arsonist is registered.

18 (2) NOTIFICATION OF CRIMINAL ARSONISTS
19 WHO CANNOT COMPLY WITH PARAGRAPH (1).—The
20 Attorney General shall prescribe rules to ensure the
21 notification and registration of criminal arsonists in
22 accordance with paragraph (1) who cannot be noti-
23 fied and registered at the time set forth in para-
24 graph (1).

1 (g) ACCESS TO CRIMINAL ARSONIST INFORMATION
2 THROUGH THE INTERNET.—

3 (1) IN GENERAL.—Except as provided in this
4 subsection, each jurisdiction shall make available on
5 the Internet, in a manner that is readily accessible
6 to law enforcement personnel and fire safety officers
7 located in the jurisdiction, all information about
8 each criminal arsonist in the registry. The jurisdic-
9 tion shall also include in the design of its Internet
10 site all field search capabilities needed for full par-
11 ticipation in the National criminal arsonist Internet
12 site established under subsection (i) and shall par-
13 ticipate in that Internet site as provided by the At-
14 torney General in regulations which comply with this
15 paragraph.

16 (2) PROHIBITION ON ACCESS BY THE PUB-
17 LIC.—Information about a criminal arsonist shall
18 not be made available under paragraph (1) on the
19 Internet to the public.

20 (3) MANDATORY EXEMPTIONS.—A jurisdiction
21 shall exempt from disclosure on the Internet site of
22 the jurisdiction described in paragraph (1), with re-
23 spect to information about a criminal arsonist—

24 (A) any information about the arsonist in-
25 volving conviction for an offense other than the

1 offense or offenses for which the arsonist is reg-
2 istered;

3 (B) any information about the arsonist if
4 the arsonist is participating in a witness protec-
5 tion program and the release of such informa-
6 tion could jeopardize the safety of the arsonist
7 or any other individual; and

8 (C) any other information identified as a
9 mandatory exemption from disclosure by the
10 Attorney General.

11 (4) OPTIONAL EXEMPTIONS.—A jurisdiction is
12 authorized to exempt from disclosure on the Internet
13 site of the jurisdiction described in paragraph (1),
14 with respect to information about a criminal arson-
15 ist—

16 (A) the name of an employer of the arson-
17 ist; and

18 (B) the name of an educational institution
19 where the arsonist is a student.

20 (5) CORRECTION OF ERRORS.—The Attorney
21 General shall establish guidelines for each jurisdic-
22 tion for a process to seek correction of information
23 included in the Internet site established by the juris-
24 diction pursuant to paragraph (1) in the case that
25 an individual contends such information is erro-

1 neous. Such guidelines shall provide for an adequate
2 period following the date on which the individual has
3 knowledge of the information's inclusion in the
4 Internet site for the individual to seek such correc-
5 tion of information.

6 (6) WARNING.—An Internet site established by
7 a jurisdiction pursuant to paragraph (1) shall in-
8 clude a warning that information on the site is to be
9 used for law enforcement purposes only and may
10 only be disclosed in connection with such purposes.
11 The warning shall note that any action in violation
12 of the previous sentence may result in a civil or
13 criminal penalty.

14 (h) NATIONAL CRIMINAL ARSONIST REGISTRY.—

15 (1) IN GENERAL.—The Attorney General shall
16 maintain a national database at the Bureau of Alco-
17 hol, Tobacco, Firearms and Explosives for each
18 criminal arsonist. The database shall be known as
19 the National Arsonist Registry.

20 (2) ELECTRONIC FORWARDING.—The Attorney
21 General shall ensure (through the National Arsonist
22 Registry or otherwise) that updated information
23 about a criminal arsonist is immediately transmitted
24 by electronic forwarding to all relevant jurisdictions.

25 (i) NATIONAL ARSONIST INTERNET SITE.—

1 (1) IN GENERAL.—The Attorney General shall
2 establish and maintain a national arsonist Internet
3 site. The Internet site shall include relevant informa-
4 tion for each criminal arsonist. The Internet site
5 shall allow law enforcement officers and fire safety
6 officers to obtain relevant information for each such
7 arsonist by a single query for any given zip code or
8 geographical radius set by the user in a form and
9 with such limitations as may be established by the
10 Attorney General and shall have such other field
11 search capabilities as the Attorney General may pro-
12 vide.

13 (2) PROHIBITION ON ACCESS BY THE PUB-
14 LIC.—Information about a criminal arsonist shall
15 not be made available under paragraph (1) on the
16 Internet to the public.

17 (j) NOTIFICATION PROCEDURES.—Under an arsonist
18 registration program established by a jurisdiction pursu-
19 ant to subsection (a), immediately after a criminal arson-
20 ist registers or updates a registration, an appropriate offi-
21 cial in the jurisdiction shall provide the information in the
22 registry (other than information exempted from disclosure
23 by this section or by the Attorney General) about that of-
24 fender to the following entities:

1 (1) The Attorney General, who shall include
2 that information in the National Arsonist Registry.

3 (2) Appropriate law enforcement agencies (in-
4 cluding probation agencies, if appropriate) in each
5 area in which the offender resides, is an employee,
6 or is a student.

7 (3) Each jurisdiction where the offender re-
8 sides, is an employee, or is a student, and each juris-
9 diction from or to which a change of residence, em-
10 ployment, or student status occurs.

11 (k) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSON-
12 IST FAILS TO COMPLY.—Under an arsonist registration
13 program established by a jurisdiction pursuant to sub-
14 section (a), an appropriate official of the jurisdiction shall
15 notify the Attorney General and appropriate law enforce-
16 ment agencies of any failure by a criminal arsonist to com-
17 ply with the requirements of the arsonist registry for such
18 jurisdiction, and shall revise the registry to reflect the na-
19 ture of such failure. The appropriate official, the Attorney
20 General, and each such law enforcement agency shall take
21 any appropriate action to ensure compliance.

22 (l) DEVELOPMENT AND AVAILABILITY OF REGISTRY
23 MANAGEMENT AND WEBSITE SOFTWARE.—

24 (1) DUTY TO DEVELOP AND SUPPORT.—The
25 Attorney General shall, in consultation with the ju-

1 risdictions, develop and support software to enable
2 jurisdictions to establish and operate uniform arson-
3 ist registries and Internet sites.

4 (2) CRITERIA.—The software described in para-
5 graph (1) should facilitate—

6 (A) immediate exchange of information
7 among jurisdictions;

8 (B) access over the Internet to appropriate
9 information, including the number of registered
10 criminal arsonists in each jurisdiction on a cur-
11 rent basis;

12 (C) full compliance with the requirements
13 of this section; and

14 (D) communication of information as re-
15 quired under subsection (j).

16 (3) DEADLINE.—The Attorney General shall
17 make the first complete edition of this software
18 available to jurisdictions not later than two years
19 after the date of the enactment of this Act.

20 (m) PERIOD FOR IMPLEMENTATION BY JURISDIC-
21 TIONS.—

22 (1) DEADLINE.—To be in compliance with this
23 section, a jurisdiction shall implement this section
24 before the later of—

1 (A) three years after the date of the enact-
2 ment of this Act; or

3 (B) one year after the date on which the
4 software described in subsection (l) is made
5 available to such jurisdiction.

6 (2) EXTENSIONS.—The Attorney General may
7 authorize not more than two one-year extensions of
8 the deadline under paragraph (1).

9 (n) FAILURE OF JURISDICTION TO COMPLY.—

10 (1) IN GENERAL.—For any fiscal year after the
11 deadline described in subsection (m), a jurisdiction
12 that fails, as determined by the Attorney General, to
13 substantially implement this section shall not receive
14 10 percent of the funds that would otherwise be allo-
15 cated for that fiscal year to the jurisdiction under
16 subpart 1 of part E of title I of the Omnibus Crime
17 Control and Safe Streets Act of 1968 (42 U.S.C.
18 3750 et seq.).

19 (2) STATE CONSTITUTIONALITY.—

20 (A) IN GENERAL.—When evaluating
21 whether a jurisdiction has substantially imple-
22 mented this section, the Attorney General shall
23 consider whether the jurisdiction is unable to
24 substantially implement this section because of
25 a demonstrated inability to implement certain

1 provisions that would place the jurisdiction in
2 violation of its constitution, as determined by a
3 ruling of the jurisdiction's highest court.

4 (B) EFFORTS.—If the circumstances arise
5 under subparagraph (A), then the Attorney
6 General and the jurisdiction involved shall make
7 good faith efforts to accomplish substantial im-
8 plementation of this section and to reconcile
9 any conflicts between this section and the juris-
10 diction's constitution. In considering whether
11 compliance with the requirements of this section
12 would likely violate the jurisdiction's constitu-
13 tion or an interpretation thereof by the jurisdic-
14 tion's highest court, the Attorney General shall
15 consult with the chief executive and chief legal
16 officer of the jurisdiction concerning the juris-
17 diction's interpretation of the jurisdiction's con-
18 stitution and rulings thereon by the jurisdic-
19 tion's highest court.

20 (C) ALTERNATIVE PROCEDURES.—If a ju-
21 risdiction is unable to substantially implement
22 this section because of a limitation imposed by
23 the jurisdiction's constitution, the Attorney
24 General may determine that the jurisdiction is
25 in compliance with this section if the jurisdic-

1 tion has made, or is in the process of imple-
2 menting, reasonable alternative procedures or
3 accommodations, which are consistent with the
4 purposes of this section.

5 (3) REALLOCATION.—Amounts not allocated
6 under a program referred to in this subsection to a
7 jurisdiction for failure to substantially implement
8 this section shall be reallocated under that program
9 to jurisdictions that have not failed to substantially
10 implement this section or may be reallocated to a ju-
11 risdiction from which they were withheld to be used
12 solely for the purpose of implementing this section.

13 (4) RULE OF CONSTRUCTION.—The provisions
14 of this section that are cast as directions to jurisdic-
15 tions or their officials constitute, in relation to
16 States, only conditions required to avoid the reduc-
17 tion of Federal funding under this subsection.

18 (5) EXCEPTION FOR FAILURES TO RECEIVE
19 CRIMINAL ARSONIST MANAGEMENT ASSISTANCE PRO-
20 GRAM GRANTS.—For any fiscal year for which a ju-
21 risdiction submits an application to the Attorney
22 General under subsection (b) of section 3 for a grant
23 under subsection (a) of such section and is not
24 awarded any grant funding under such subsection

1 such jurisdiction shall not be subject to paragraph
2 (1).

3 (o) ELECTION BY INDIAN TRIBES.—

4 (1) ELECTION.—

5 (A) IN GENERAL.—A federally recognized
6 Indian tribe may, by resolution or other enact-
7 ment of the tribal council or comparable gov-
8 ernmental body, elect to carry out this subtitle
9 as a jurisdiction subject to its provisions.

10 (B) IMPLEMENTATION.—If a tribe does
11 not, within one year of the enactment of this
12 Act, make an election to take on these duties,
13 it shall, by resolution or other enactment of the
14 tribal council or comparable governmental body,
15 enter into a cooperative agreement to arrange
16 for a jurisdiction to carry out any function of
17 the tribe under this Act until such time as the
18 tribe elects to carry out this Act.

19 (2) COOPERATION BETWEEN TRIBAL AUTHORI-
20 TIES AND OTHER JURISDICTIONS.—

21 (A) NONDUPLICATION.—A tribe subject to
22 this subtitle is not required to duplicate func-
23 tions under this subtitle which are fully carried
24 out by another jurisdiction or jurisdictions with-
25 in which the territory of the tribe is located.

1 (B) COOPERATIVE AGREEMENTS.—A tribe
2 may, through cooperative agreements with such
3 a jurisdiction or jurisdictions—

4 (i) arrange for the tribe to carry out
5 any function of such a jurisdiction under
6 this subtitle with respect to arsonists sub-
7 ject to the tribe’s jurisdiction; and

8 (ii) arrange for such a jurisdiction to
9 carry out any function of the tribe under
10 this subtitle with respect to arsonists sub-
11 ject to the tribe’s jurisdiction.

12 (3) LAW ENFORCEMENT AUTHORITY IN INDIAN
13 COUNTRY.—Enforcement of this Act in Indian coun-
14 try, as defined in section 1151 of title 18, United
15 States Code, shall be carried out by Federal, Tribal,
16 and State governments under existing jurisdictional
17 authorities.

18 (p) IMMUNITY FOR GOOD FAITH CONDUCT.—The
19 Federal Government, jurisdictions, political subdivisions of
20 jurisdictions, and their agencies, officers, employees, and
21 agents shall be immune from liability for good faith con-
22 duct under this section.

23 (q) AUTHORIZATION OF APPROPRIATIONS.—In addi-
24 tion to any amounts otherwise authorized to be appro-
25 priated, there are authorized to be appropriated to the At-

1 torney General, to carry out subsections (h) and (i) of this
2 section, such sums as may be necessary for each of the
3 fiscal years 2009 through 2014.

4 **SEC. 3. CRIMINAL ARSONIST MANAGEMENT ASSISTANCE**
5 **PROGRAM.**

6 (a) IN GENERAL.—The Attorney General shall estab-
7 lish and implement a Criminal Arsonist Management As-
8 sistance program (in this section referred to as the “As-
9 sistance Program”), under which the Attorney General
10 shall award grants to jurisdictions to offset the costs of
11 implementing section 2.

12 (b) APPLICATION.—The chief executive of a jurisdic-
13 tion desiring a grant under this section, with respect to
14 a fiscal year, shall for each such fiscal year submit to the
15 Attorney General an application in such form and con-
16 taining such information as the Attorney General may re-
17 quire.

18 (c) INCREASED GRANT PAYMENTS FOR PROMPT
19 COMPLIANCE.—A jurisdiction that, as determined by the
20 Attorney General, has substantially implemented section
21 2 not later than two years after the date of the enactment
22 of this Act is eligible for a bonus payment in addition to
23 the amount of grant funds available to such jurisdiction
24 under subsection (a). The Attorney General may, with re-
25 spect to a jurisdiction, make such a bonus payment to the

1 jurisdiction for the first fiscal year beginning after the
2 date such determination is made. The amount of the
3 bonus payment shall be as follows:

4 (1) In the case of a determination that the ju-
5 isdiction has substantially implemented such section
6 by a date that is not later than the date that is one
7 year after the date of the enactment of this Act, 10
8 percent of the total grant funds available to the ju-
9 isdiction under subsection (a) for such fiscal year.

10 (2) In the case of a determination that the ju-
11 isdiction has substantially implemented such section
12 by a date that is later than one year after the date
13 of the enactment of this Act, but not later than the
14 date that is two years after such date of enactment,
15 5 percent of such total.

16 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-
17 tion to any amounts otherwise authorized to be appro-
18 priated, there are authorized to be appropriated to the At-
19 torney General, to be available to carry out this section,
20 such sums as may be necessary for each of the fiscal years
21 2009 through 2014.

22 **SEC. 4. DEFINITIONS.**

23 For purposes of this Act:

24 (1) CRIMINAL ARSONIST.—The term “criminal
25 arsonist” means an individual who is convicted of

1 any criminal offense for committing arson in viola-
2 tion of the laws of the jurisdiction in which such of-
3 fense was committed or the United States. Such
4 term shall not include a juvenile who is convicted of
5 such an offense unless such juvenile was tried as an
6 adult for such offense.

7 (2) ARSONIST REGISTRY.—The term “arsonist
8 registry” means a registry of criminal arsonists, and
9 a notification program, maintained by a jurisdiction.

10 (3) CRIMINAL OFFENSE.—The term “criminal
11 offense” means a State, local, tribal, foreign, or mili-
12 tary offense (to the extent specified by the Secretary
13 of Defense under section 115(a)(8)(C)(i) of Public
14 Law 105–119 (10 U.S.C. 951 note)) or other crimi-
15 nal offense.

16 (4) EMPLOYEE.—The term “employee” includes
17 an individual who is self-employed or works for any
18 other entity, whether compensated or not.

19 (5) FIRE SAFETY OFFICER.—The term “fire
20 safety officer” means—

21 (A) a firefighter, as such term is defined in
22 section 1204 of the Omnibus Crime Control and
23 Safe Street Act of 1968 (42 U.S.C. 3796b); or

24 (B) an individual serving in an official ca-
25 pacity as a firefighter, fire investigator, or other

1 arson investigator, as defined by the jurisdiction
2 for the purposes of this Act.

3 (6) JURISDICTION.—The term “jurisdiction”
4 means any of the following:

5 (A) A State.

6 (B) The District of Columbia.

7 (C) The Commonwealth of Puerto Rico.

8 (D) Guam.

9 (E) American Samoa.

10 (F) The Northern Mariana Islands.

11 (G) The United States Virgin Islands.

12 (H) To the extent provided and subject to
13 the requirements of section 2(o), a federally
14 recognized Indian tribe.

15 (7) LAW ENFORCEMENT OFFICER.—The term
16 “law enforcement officer” has the meaning given
17 such term in section 1204 of the Omnibus Crime
18 Control and Safe Street Act of 1968 (42 U.S.C.
19 3796b).

20 (8) RESIDES.—The term “resides” means, with
21 respect to an individual, the location of the individ-
22 ual’s home or other place where the individual habit-
23 ually lives.

24 (9) STUDENT.—The term “student” means an
25 individual who enrolls in or attends an educational

1 institution (whether public or private), including a
2 secondary school, trade or professional school, and
3 institution of higher education.

Passed the House of Representatives December 5,
2007.

Attest:

Clerk.

110TH CONGRESS
1ST SESSION

H. R. 1759

AN ACT

To establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes.