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H. R. 1759

[Report No. 110-467]

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.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mrs. BONO (for herself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary

DECEMBER 4, 2007

Additional sponsors: Mr. ENGLISH of Pennsylvania, Mr. DREIER, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER of Florida, Mr. BILIRAKIS, Mr. DANIEL E. LUNGREN of California, Mr. CRENSHAW, Mr. CALVERT, Mr. LEWIS of California, Mr. RYAN of Ohio, Mr. REHBERG, Mr. SIMPSON, Mr. WALDEN of Oregon, Mr. MCKEON, Mr. SHIMKUS, Mrs. WILSON of New Mexico, Mr. SENSENBRENNER, Mr. GALLEGLY, Mr. CANTOR, Mr. PUTNAM, Ms. WOOLSEY, Ms. SOLIS, Mr. FILNER, Ms. LORETTA SANCHEZ of California, Mr. ISSA, Mr. SHADEGG, Mr. CAMPBELL of California, Mr. ROGERS of Michigan, Mr. RANGEL, Mr. GINGREY, Mr. BACA, Mr. BLUMENAUER, Mr. MCCOTTER, Mr. PATRICK MURPHY of Pennsylvania, Mr. COBLE, Mr. CHABOT, Mr. GOHMERT, Mr. CONAWAY, Mr. BISHOP of New York, Mr. WEINER, Mr. DELAHUNT, Mr. HUNTER, Ms. WASSERMAN SCHULTZ, Mr. BERMAN, Mr. BOUCHER, Mr. WEXLER, Mr. SNYDER, Mr. HOLDEN, and Mr. SHERMAN

DECEMBER 4, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on March 29, 2007]

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. ARSONIST REGISTRATION AND NOTIFICATION PRO-**
 7 **GRAM.**

8 (a) *REGISTRY REQUIREMENTS FOR JURISDICTIONS.—*

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

10 *Each jurisdiction shall establish and maintain a ju-*
 11 *risdiction-wide arsonist registry conforming to the re-*
 12 *quirements of this section.*

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

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

1 (1) *IN GENERAL.*—*A criminal arsonist shall reg-*
2 *ister, and shall keep the registration current, in each*
3 *jurisdiction where the arsonist resides, where the ar-*
4 *sonist is an employee, and where the arsonist is a stu-*
5 *dent. For initial registration purposes only, a crimi-*
6 *nal arsonist shall also register in the jurisdiction in*
7 *which convicted if such jurisdiction is different from*
8 *the jurisdiction of residence.*

9 (2) *INITIAL REGISTRATION.*—*The criminal ar-*
10 *sonist shall initially register—*

11 (A) *before completing a sentence of impris-*
12 *onment with respect to the offense giving rise to*
13 *the registration requirement; or*

14 (B) *not later than 5 business days after*
15 *being sentenced for that offense, if the criminal*
16 *arsonist is not sentenced to a term of imprison-*
17 *ment.*

18 (3) *KEEPING THE REGISTRATION CURRENT.*—*A*
19 *criminal arsonist shall, not later than 10 business*
20 *days after each change of name, residence, employ-*
21 *ment, or student status, appear in person in at least*
22 *one jurisdiction involved pursuant to paragraph (1)*
23 *and inform that jurisdiction of all changes in the in-*
24 *formation required for that arsonist in the arsonist*
25 *registry involved. That jurisdiction shall immediately*

1 *provide the revised information to all other jurisdic-*
2 *tions in which the arsonist is required to register.*

3 *(4) APPLICATION OF REGISTRATION REQUIRE-*
4 *MENTS.—*

5 *(A) IN GENERAL.—Except as provided in*
6 *guidelines under subparagraph (B), the require-*
7 *ments of this section, including the duties to reg-*
8 *ister and to keep a registration current, shall*
9 *apply only to a criminal arsonist who was con-*
10 *victed of a criminal offense involving arson on or*
11 *after the date of the enactment of this Act, and*
12 *who was notified of such duties and registered in*
13 *accordance with subsection (f).*

14 *(B) APPLICATION TO CRIMINAL ARSONISTS*
15 *UNABLE TO COMPLY WITH PARAGRAPH (2).—*

16 *(i) GUIDELINES.—The Attorney Gen-*
17 *eral shall establish guidelines in accordance*
18 *with the provisions of this subparagraph for*
19 *each jurisdiction for the application of the*
20 *requirements of this section to criminal*
21 *arsonists convicted before the date of the en-*
22 *actment of this Act or the date of its imple-*
23 *mentation in such a jurisdiction, and shall*
24 *prescribe rules for the registration of any*

1 *such criminal arsonists who are otherwise*
2 *unable to comply with paragraph (2).*

3 *(ii) INFORMATION REQUIRED TO BE IN-*
4 *CLUDED IN REGISTRY.—With respect to*
5 *each criminal arsonist described in clause*
6 *(i) convicted during the 10-year period pre-*
7 *ceding the date of the enactment of this Act,*
8 *the guidelines under clause (i) shall provide*
9 *for the inclusion in the arsonist registry of*
10 *each applicable jurisdiction (and, in accord-*
11 *ance with subsection (j), the provision by*
12 *such jurisdiction to each entity described in*
13 *such subsection) of the following informa-*
14 *tion:*

15 *(I) The name of the arsonist (in-*
16 *cluding any alias used by the arson-*
17 *ist).*

18 *(II) The Social Security number*
19 *of the arsonist.*

20 *(III) The most recent known ad-*
21 *dress of the residence at which the ar-*
22 *sonist has resided.*

23 *(IV) A physical description of the*
24 *arsonist.*

1 (V) *The text of the provision of*
2 *law defining the criminal offense re-*
3 *lated to arson for which the arsonist is*
4 *convicted.*

5 (VI) *A set of fingerprints and*
6 *palm prints of the arsonist.*

7 (VII) *A photocopy of a valid driv-*
8 *er's license or identification card*
9 *issued to the arsonist by a jurisdiction,*
10 *if available.*

11 (VIII) *Any other information re-*
12 *quired by the Attorney General.*

13 (iii) *NOTICE REQUIRED.—The guide-*
14 *lines under clause (i) shall provide notice to*
15 *each criminal arsonist included in an ar-*
16 *sonist registry pursuant to this subpara-*
17 *graph of such inclusion.*

18 (5) *STATE PENALTY FOR FAILURE TO COMPLY.—*
19 *Each jurisdiction, other than a federally recognized*
20 *Indian tribe, shall provide a criminal penalty that*
21 *includes a maximum term of imprisonment that is*
22 *greater than one year for the failure of a criminal ar-*
23 *sonist to comply with the requirements of this section.*

24 (6) *AUTHORITY TO EXEMPT CERTAIN CRIMINAL*
25 *ARSONISTS FROM REGISTRY REQUIREMENTS.—A ju-*

1 *risdiction shall have the authority to exempt a crimi-*
2 *nal arsonist who has been convicted of the offense of*
3 *arson in violation of the laws of the jurisdiction in*
4 *which the offense was committed or the United States*
5 *for the first time from the registration requirements*
6 *under this section in exchange for such arsonist's sub-*
7 *stantial assistance in the investigation or prosecution*
8 *of another person who has committed an offense. The*
9 *Attorney General shall assure that any regulations*
10 *promulgated under this section include guidelines*
11 *that reflect the general appropriateness of exempting*
12 *such an arsonist from the registration requirements*
13 *under this section.*

14 *(c) INFORMATION REQUIRED IN REGISTRATION.—*

15 *(1) PROVIDED BY THE ARSONIST.—A criminal*
16 *arsonist shall provide the following information to the*
17 *appropriate official for inclusion in the arsonist reg-*
18 *istry of a jurisdiction in which such arsonist is re-*
19 *quired to register:*

20 *(A) The name of the arsonist (including*
21 *any alias used by the arsonist).*

22 *(B) The Social Security number of the ar-*
23 *sonist.*

24 *(C) The address of each residence at which*
25 *the arsonist resides or will reside.*

1 (D) *The name and address of any place*
2 *where the arsonist is an employee or will be an*
3 *employee.*

4 (E) *The name and address of any place*
5 *where the arsonist is a student or will be a stu-*
6 *dent.*

7 (F) *The license plate number and a descrip-*
8 *tion of any vehicle owned or operated by the ar-*
9 *sonist.*

10 (G) *Any other information required by the*
11 *Attorney General.*

12 (2) *PROVIDED BY THE JURISDICTION.—The ju-*
13 *risdiction in which a criminal arsonist registers shall*
14 *ensure that the following information is included in*
15 *the registry for such arsonist:*

16 (A) *A physical description of the arsonist.*

17 (B) *The text of the provision of law defining*
18 *the criminal offense for which the arsonist is reg-*
19 *istered.*

20 (C) *The criminal history of the arsonist, in-*
21 *cluding the date of all arrests and convictions;*
22 *the status of parole, probation, or supervised re-*
23 *lease; registration status; and the existence of*
24 *any outstanding arrest warrants for the arsonist.*

25 (D) *A current photograph of the arsonist.*

1 (E) *A set of fingerprints and palm prints*
2 *of the arsonist.*

3 (F) *A photocopy of a valid driver's license*
4 *or identification card issued to the arsonist by a*
5 *jurisdiction.*

6 (G) *Any other information required by the*
7 *Attorney General.*

8 (d) *DURATION OF REGISTRATION REQUIREMENT;*
9 *EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN*
10 *JUVENILE CRIMINAL ARSONISTS.—*

11 (1) *DURATION OF REGISTRATION REQUIRE-*
12 *MENT.—A criminal arsonist shall keep the registra-*
13 *tion information provided under subsection (c) cur-*
14 *rent for the full registration period (excluding any*
15 *time the arsonist is in custody). For purposes of this*
16 *subsection, the full registration period—*

17 (A) *shall commence on the later of the date*
18 *on which the arsonist is convicted of an offense*
19 *of arson in violation of the laws of the jurisdic-*
20 *tion in which the offense was committed or the*
21 *United States, the date on which the arsonist is*
22 *released from prison for such conviction, or the*
23 *date on which such arsonist is placed on parole,*
24 *supervised release, or probation for such convic-*
25 *tion; and*

1 (B) shall be—

2 (i) five years for an arsonist who has
3 been convicted of such an offense for the
4 first time;

5 (ii) ten years for an arsonist who has
6 been convicted of such an offense for the sec-
7 ond time; and

8 (iii) for the life of the arsonist for an
9 arsonist who has been convicted of such an
10 offense more than twice.

11 (2) *EXPUNGING REGISTRIES OF INFORMATION*
12 *FOR CERTAIN JUVENILE CRIMINAL ARSONISTS.—*

13 (A) *IN GENERAL.—*In the case of a criminal
14 arsonist described in subparagraph (B), a juris-
15 diction shall expunge the arson registry of such
16 jurisdiction of information related to such crimi-
17 nal arsonist as of the date that is 5 years after
18 the last day of the applicable full registration pe-
19 riod under paragraph (1).

20 (B) *CRIMINAL ARSONIST DESCRIBED.—*For
21 purposes of subparagraph (A), a criminal arson-
22 ist described in this subparagraph is a criminal
23 arsonist who—

1 (i) *was a juvenile tried as an adult for*
2 *the offense giving rise to the duty to reg-*
3 *ister; and*

4 (ii) *was not convicted of any other*
5 *criminal felony during the period beginning*
6 *on the first day of the applicable full reg-*
7 *istration period under paragraph (1) and*
8 *ending on the last day of the 5-year period*
9 *described in subparagraph (A).*

10 (C) *APPLICATION TO OTHER DATABASES.—*

11 *The Attorney General shall establish a process to*
12 *ensure that each entity that receives information*
13 *under subsection (j) with respect to a criminal*
14 *arsonist described in subparagraph (B) shall ex-*
15 *punge the applicable database of such informa-*
16 *tion as of the date that is 5 years after the last*
17 *day of the applicable full registration period*
18 *under paragraph (1).*

19 (e) *ANNUAL VERIFICATION.—Not less than once in*
20 *each calendar year during the full registration period, a*
21 *criminal arsonist required to register under this section*
22 *shall—*

23 (1) *appear in person at not less than one juris-*
24 *isdiction in which such arsonist is required to register;*

1 (2) *allow such jurisdiction to take a current pho-*
2 *tograph of the arsonist; and*

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

6 (f) *DUTY TO NOTIFY CRIMINAL ARSONISTS OF REG-*
7 *ISTRATION REQUIREMENTS AND TO REGISTER.—*

8 (1) *IN GENERAL.—An appropriate official shall,*
9 *shortly before release of a criminal arsonist from cus-*
10 *tody, or, if the arsonist is not in custody, imme-*
11 *diately after the sentencing of the arsonist for the of-*
12 *fense giving rise to the duty to register—*

13 (A) *inform the arsonist of the duties of the*
14 *arsonist under this section and explain those du-*
15 *ties in a manner that the arsonist can under-*
16 *stand in light of the arsonist’s native language,*
17 *mental capability, and age;*

18 (B) *ensure that the arsonist understands the*
19 *registration requirement, and if so, require the*
20 *arsonist to read and sign a form stating that the*
21 *duty to register has been explained and that the*
22 *arsonist understands the registration require-*
23 *ment;*

24 (C) *if the arsonist is unable to understand*
25 *the registration requirements, the official shall*

1 *sign a form stating that the arsonist is unable*
2 *to understand the registration requirements; and*

3 *(D) ensure that the arsonist is registered.*

4 *(2) NOTIFICATION OF CRIMINAL ARSONISTS WHO*
5 *CANNOT COMPLY WITH PARAGRAPH (1).—The Attorney*
6 *General shall prescribe rules to ensure the notification*
7 *and registration of criminal arsonists in accordance*
8 *with paragraph (1) who cannot be notified and reg-*
9 *istered at the time set forth in paragraph (1).*

10 *(g) ACCESS TO CRIMINAL ARSONIST INFORMATION*
11 *THROUGH THE INTERNET.—*

12 *(1) IN GENERAL.—Except as provided in this*
13 *subsection, each jurisdiction shall make available on*
14 *the Internet, in a manner that is readily accessible to*
15 *law enforcement personnel and fire safety officers lo-*
16 *cated in the jurisdiction, all information about each*
17 *criminal arsonist in the registry. The jurisdiction*
18 *shall also include in the design of its Internet site all*
19 *field search capabilities needed for full participation*
20 *in the National criminal arsonist Internet site estab-*
21 *lished under subsection (i) and shall participate in*
22 *that Internet site as provided by the Attorney General*
23 *in regulations which comply with this paragraph.*

1 (2) *PROHIBITION ON ACCESS BY THE PUBLIC.*—
2 *Such information about a criminal arsonist shall not*
3 *be made available on the Internet to the public.*

4 (3) *MANDATORY EXEMPTIONS.*—*A jurisdiction*
5 *shall exempt from disclosure, with respect to informa-*
6 *tion about a criminal arsonist—*

7 (A) *any information about the arsonist in-*
8 *volving conviction for an offense other than the*
9 *offense or offenses for which the arsonist is reg-*
10 *istered;*

11 (B) *any information about the arsonist if*
12 *the arsonist is participating in a witness protec-*
13 *tion program and the release of such information*
14 *could jeopardize the safety of the arsonist or any*
15 *other individual; and*

16 (C) *any other information identified as a*
17 *mandatory exemption from disclosure by the At-*
18 *torney General.*

19 (4) *OPTIONAL EXEMPTIONS.*—*A jurisdiction is*
20 *authorized to exempt from disclosure, with respect to*
21 *information about a criminal arsonist—*

22 (A) *the name of an employer of the arsonist;*
23 *and*

24 (B) *the name of an educational institution*
25 *where the arsonist is a student.*

1 (5) *CORRECTION OF ERRORS.*—*The Attorney*
2 *General shall establish guidelines for each jurisdiction*
3 *for a process to seek correction of information in-*
4 *cluded in the Internet site established by the jurisdic-*
5 *tion pursuant to paragraph (1) in the case that an*
6 *individual contends such information is erroneous.*
7 *Such guidelines shall provide for an adequate period*
8 *following the date on which the individual has knowl-*
9 *edge of the information's inclusion in the Internet site*
10 *for the individual to seek such correction of informa-*
11 *tion.*

12 (6) *WARNING.*—*An Internet site established by a*
13 *jurisdiction pursuant to paragraph (1) shall include*
14 *a warning that information on the site is to be used*
15 *for law enforcement purposes only and may only be*
16 *disclosed in connection with such purposes. The warn-*
17 *ing shall note that any such action could result in*
18 *civil or criminal penalties.*

19 (h) *NATIONAL CRIMINAL ARSONIST REGISTRY.*—

20 (1) *IN GENERAL.*—*The Attorney General shall*
21 *maintain a national database at the Bureau of Alco-*
22 *hol, Tobacco, Firearms and Explosives for each crimi-*
23 *nal arsonist. The database shall be known as the Na-*
24 *tional Arsonist Registry.*

1 (2) *ELECTRONIC FORWARDING.*—*The Attorney*
2 *General shall ensure (through the National Arsonist*
3 *Registry or otherwise) that updated information*
4 *about a criminal arsonist is immediately transmitted*
5 *by electronic forwarding to all relevant jurisdictions.*

6 (i) *NATIONAL ARSONIST INTERNET SITE.*—*The Attor-*
7 *ney General shall establish and maintain a national arson-*
8 *ist Internet site. The Internet site shall include relevant in-*
9 *formation for each criminal arsonist. The Internet site shall*
10 *allow law enforcement officers and fire safety officers to ob-*
11 *tain relevant information for each such arsonist by a single*
12 *query for any given zip code or geographical radius set by*
13 *the user in a form and with such limitations as may be*
14 *established by the Attorney General and shall have such*
15 *other field search capabilities as the Attorney General may*
16 *provide.*

17 (j) *NOTIFICATION PROCEDURES.*—*Under an arsonist*
18 *registration program established by a jurisdiction pursuant*
19 *to subsection (a), immediately after a criminal arsonist reg-*
20 *isters or updates a registration, an appropriate official in*
21 *the jurisdiction shall provide the information in the registry*
22 *(other than information exempted from disclosure by this*
23 *section or by the Attorney General) about that offender to*
24 *the following entities:*

1 (1) *The Attorney General, who shall include that*
2 *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, or*
6 *is a student.*

7 (3) *Each jurisdiction where the offender resides,*
8 *is an employee, or is a student, and each jurisdiction*
9 *from or to which a change of residence, employment,*
10 *or student status occurs.*

11 *Information about a criminal arsonist shall not be made*
12 *available on the Internet to the public.*

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

24 (l) *DEVELOPMENT AND AVAILABILITY OF REGISTRY*
25 *MANAGEMENT AND WEBSITE SOFTWARE.—*

1 (1) *DUTY TO DEVELOP AND SUPPORT.*—*The At-*
2 *torney General shall, in consultation with the juris-*
3 *dictions, develop and support software to enable juris-*
4 *dictions to establish and operate uniform arsonist reg-*
5 *istries and Internet sites.*

6 (2) *CRITERIA.*—*The software described in para-*
7 *graph (1) should facilitate—*

8 (A) *immediate exchange of information*
9 *among jurisdictions;*

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

14 (C) *full compliance with the requirements of*
15 *this section; and*

16 (D) *communication of information as re-*
17 *quired under subsection (j).*

18 (3) *DEADLINE.*—*The Attorney General shall*
19 *make the first complete edition of this software avail-*
20 *able to jurisdictions not later than two years after the*
21 *date of the enactment of this Act.*

22 (m) *PERIOD FOR IMPLEMENTATION BY JURISDIC-*
23 *TIONS.*—

1 (1) *DEADLINE.*—*To be in compliance with this*
2 *section, a jurisdiction shall implement this section be-*
3 *fore the later of—*

4 (A) *three years after the date of the enact-*
5 *ment of this Act; or*

6 (B) *one year after the date on which the*
7 *software described in subsection (l) is made*
8 *available to such jurisdiction.*

9 (2) *EXTENSIONS.*—*The Attorney General may*
10 *authorize not more than two one-year extensions of*
11 *the deadline under paragraph (1).*

12 (n) *FAILURE OF JURISDICTION TO COMPLY.*—

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

22 (2) *STATE CONSTITUTIONALITY.*—

23 (A) *IN GENERAL.*—*When evaluating wheth-*
24 *er a jurisdiction has substantially implemented*
25 *this section, the Attorney General shall consider*

1 *whether the jurisdiction is unable to substan-*
2 *tially implement this section because of a dem-*
3 *onstrated inability to implement certain provi-*
4 *sions that would place the jurisdiction in viola-*
5 *tion of its constitution, as determined by a rul-*
6 *ing of the jurisdiction's highest court.*

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

23 (C) *ALTERNATIVE PROCEDURES.*—*If a ju-*
24 *risdiction is unable to substantially implement*
25 *this section because of a limitation imposed by*

1 *the jurisdiction's constitution, the Attorney Gen-*
2 *eral may determine that the jurisdiction is in*
3 *compliance with this section if the jurisdiction*
4 *has made, or is in the process of implementing,*
5 *reasonable alternative procedures or accommoda-*
6 *tions, which are consistent with the purposes of*
7 *this section.*

8 (3) *REALLOCATION.*—*Amounts not allocated*
9 *under a program referred to in this subsection to a*
10 *jurisdiction for failure to substantially implement*
11 *this section shall be reallocated under that program to*
12 *jurisdictions that have not failed to substantially im-*
13 *plement this section or may be reallocated to a juris-*
14 *isdiction from which they were withheld to be used sole-*
15 *ly for the purpose of implementing this section.*

16 (4) *RULE OF CONSTRUCTION.*—*The provisions of*
17 *this section that are cast as directions to jurisdictions*
18 *or their officials constitute, in relation to States, only*
19 *conditions required to avoid the reduction of Federal*
20 *funding under this subsection.*

21 (o) *ELECTION BY INDIAN TRIBES.*—

22 (1) *ELECTION.*—

23 (A) *IN GENERAL.*—*A federally recognized*
24 *Indian tribe may, by resolution or other enact-*
25 *ment of the tribal council or comparable govern-*

1 *mental body, elect to carry out this subtitle as a*
2 *jurisdiction subject to its provisions.*

3 *(B) IMPLEMENTATION.—If a tribe does not,*
4 *within one year of the enactment of this Act,*
5 *make an election to take on these duties, it shall,*
6 *by resolution or other enactment of the tribal*
7 *council or comparable governmental body, enter*
8 *into a cooperative agreement to arrange for a ju-*
9 *risdiction to carry out any function of the tribe*
10 *under this Act until such time as the tribe elects*
11 *to carry out this Act.*

12 *(2) COOPERATION BETWEEN TRIBAL AUTHORI-*
13 *TIES AND OTHER JURISDICTIONS.—*

14 *(A) NONDUPLICATION.—A tribe subject to*
15 *this subtitle is not required to duplicate func-*
16 *tions under this subtitle which are fully carried*
17 *out by another jurisdiction or jurisdictions with-*
18 *in which the territory of the tribe is located.*

19 *(B) COOPERATIVE AGREEMENTS.—A tribe*
20 *may, through cooperative agreements with such a*
21 *jurisdiction or jurisdictions—*

22 *(i) arrange for the tribe to carry out*
23 *any function of such a jurisdiction under*
24 *this subtitle with respect to arsonists subject*
25 *to the tribe's jurisdiction; and*

1 (ii) arrange for such a jurisdiction to
2 carry out any function of the tribe under
3 this subtitle with respect to arsonists subject
4 to the tribe's jurisdiction.

5 (3) *LAW ENFORCEMENT AUTHORITY IN INDIAN*
6 *COUNTRY.—Enforcement of this Act in Indian coun-*
7 *try, as defined in section 1151 of title 18, United*
8 *States Code, shall be carried out by Federal, Tribal,*
9 *and State governments under existing jurisdictional*
10 *authorities.*

11 (p) *IMMUNITY FOR GOOD FAITH CONDUCT.—The Fed-*
12 *eral Government, jurisdictions, political subdivisions of ju-*
13 *risdictions, and their agencies, officers, employees, and*
14 *agents shall be immune from liability for good faith conduct*
15 *under this section.*

16 (q) *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 carry out subsections (h) and (i) of this*
20 *section, such sums as may be necessary for each of the fiscal*
21 *years 2009 through 2014.*

22 **SEC. 3. CRIMINAL ARSONIST MANAGEMENT ASSISTANCE**
23 **PROGRAM.**

24 (a) *IN GENERAL.—The Attorney General shall estab-*
25 *lish and implement a Criminal Arsonist Management As-*

1 *sistance program (in this section referred to as the “Assist-*
2 *ance Program”), under which the Attorney General shall*
3 *award a grant to a jurisdiction to offset the costs of imple-*
4 *menting section 2.*

5 (b) *APPLICATION.—The chief executive of a jurisdic-*
6 *tion desiring a grant under this section shall, on an annual*
7 *basis, submit to the Attorney General an application in*
8 *such form and containing such information as the Attorney*
9 *General may require.*

10 (c) *BONUS PAYMENTS FOR PROMPT COMPLIANCE.—A*
11 *jurisdiction that, as determined by the Attorney General,*
12 *has substantially implemented section 2 not later than two*
13 *years after the date of the enactment of this Act is eligible*
14 *for a bonus payment. The Attorney General may make such*
15 *a payment under the Assistance Program for the first fiscal*
16 *year beginning after that determination. The amount of the*
17 *bonus payment shall be as follows:*

18 (1) *In the case of a determination that the jurisdic-*
19 *tion has substantially implemented such section by*
20 *a date that is not later than the date that is one year*
21 *after the date of the enactment of this Act, 10 percent*
22 *of the total received by the jurisdiction under the As-*
23 *sistance Program for the preceding fiscal year.*

24 (2) *In the case of a determination that the jurisdic-*
25 *tion has substantially implemented such section by*

1 *a date that is later than one year after the date of*
2 *the enactment of this Act, but not later than the date*
3 *that is two years after such date of enactment, 5 per-*
4 *cent of such total.*

5 *(d) AUTHORIZATION OF APPROPRIATIONS.—In addi-*
6 *tion to any amounts otherwise authorized to be appro-*
7 *priated, there are authorized to be appropriated to the At-*
8 *torney General, to be available only for the Assistance Pro-*
9 *gram, such sums as may be necessary for each of the fiscal*
10 *years 2009 through 2014.*

11 **SEC. 4. DEFINITIONS.**

12 *For purposes of this Act:*

13 *(1) CRIMINAL ARSONIST.—The term “criminal*
14 *arsonist” means an individual who is convicted of*
15 *any criminal offense for committing arson in viola-*
16 *tion of the laws of the jurisdiction in which such of-*
17 *fense was committed or the United States. Such term*
18 *shall not include a juvenile who is convicted of such*
19 *an offense unless such juvenile was tried as an adult*
20 *for such offense.*

21 *(2) ARSONIST REGISTRY.—The term “arsonist*
22 *registry” means a registry of criminal arsonists, and*
23 *a notification program, maintained by a jurisdiction.*

24 *(3) CRIMINAL OFFENSE.—The term “criminal of-*
25 *fense” means a State, local, tribal, foreign, or mili-*

1 *tary offense (to the extent specified by the Secretary*
2 *of Defense under section 115(a)(8)(C)(i) of Public*
3 *Law 105–119 (10 U.S.C. 951 note)) or other criminal*
4 *offense.*

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

8 (5) *FIRE SAFETY OFFICER.*—*The term “fire safe-*
9 *ty officer” means—*

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

13 (B) *an individual serving in an official ca-*
14 *pacitv as a firefighter, fire investigator, or other*
15 *arson investigator, as defined by the jurisdiction*
16 *for the purposes of this Act.*

17 (6) *JURISDICTION.*—*The term “jurisdiction”*
18 *means any of the following:*

19 (A) *A State.*

20 (B) *The District of Columbia.*

21 (C) *The Commonwealth of Puerto Rico.*

22 (D) *Guam.*

23 (E) *American Samoa.*

24 (F) *The Northern Mariana Islands.*

25 (G) *The United States Virgin Islands.*

1 (H) *To the extent provided and subject to*
2 *the requirements of section 2(o), a federally rec-*
3 *ognized Indian tribe.*

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

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

12 (9) *STUDENT.—The term “student” means an*
13 *individual who enrolls in or attends an educational*
14 *institution (whether public or private), including a*
15 *secondary school, trade or professional school, and in-*
16 *stitution of higher education.*

Union Calendar No. 291

110TH CONGRESS
1ST Session

H. R. 1759

[Report No. 110-467]

A BILL

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.

DECEMBER 4, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed