

MANAGING ARSON THROUGH CRIMINAL HISTORY
(MATCH) ACT OF 2007

DECEMBER 4, 2007.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. CONYERS, from the Committee on the Judiciary,
submitted the following

R E P O R T

[To accompany H.R. 1759]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1759) 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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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THE AMENDMENT

The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

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

SEC. 2. ARSONIST REGISTRATION AND NOTIFICATION PROGRAM.**(a) REGISTRY REQUIREMENTS FOR JURISDICTIONS.—**

(1) **JURISDICTION TO MAINTAIN A REGISTRY.**—Each jurisdiction shall establish and maintain a jurisdiction-wide arsonist registry conforming to the requirements of this section.

(2) **GUIDELINES AND REGULATIONS.**—The Attorney General shall issue guidelines and regulations to interpret and implement this section.

(b) REGISTRY REQUIREMENTS FOR CRIMINAL ARSONISTS.—

(1) **IN GENERAL.**—A criminal arsonist shall register, and shall keep the registration current, in each jurisdiction where the arsonist resides, where the arsonist is an employee, and where the arsonist is a student. For initial registration purposes only, a criminal arsonist shall also register in the jurisdiction in which convicted if such jurisdiction is different from the jurisdiction of residence.

(2) **INITIAL REGISTRATION.**—The criminal arsonist shall initially register—

(A) before completing a sentence of imprisonment with respect to the offense giving rise to the registration requirement; or

(B) not later than 5 business days after being sentenced for that offense, if the criminal arsonist is not sentenced to a term of imprisonment.

(3) **KEEPING THE REGISTRATION CURRENT.**—A criminal arsonist shall, not later than 10 business days after each change of name, residence, employment, or student status, appear in person in at least one jurisdiction involved pursuant to paragraph (1) and inform that jurisdiction of all changes in the information required for that arsonist in the arsonist registry involved. That jurisdiction shall immediately provide the revised information to all other jurisdictions in which the arsonist is required to register.

(4) **APPLICATION OF REGISTRATION REQUIREMENTS.—**

(A) **IN GENERAL.**—Except as provided in guidelines under subparagraph (B), the requirements of this section, including the duties to register and to keep a registration current, shall apply only to a criminal arsonist who was convicted of a criminal offense involving arson on or after the date of the enactment of this Act, and who was notified of such duties and registered in accordance with subsection (f).

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

(i) **GUIDELINES.**—The Attorney General shall establish guidelines in accordance with the provisions of this subparagraph for each jurisdiction for the application of the requirements of this section to criminal arsonists convicted before the date of the enactment of this Act or the date of its implementation in such a jurisdiction, and shall prescribe rules for the registration of any such criminal arsonists who are otherwise unable to comply with paragraph (2).

(ii) **INFORMATION REQUIRED TO BE INCLUDED IN REGISTRY.**—With respect to each criminal arsonist described in clause (i) convicted during the 10-year period preceding the date of the enactment of this Act, the guidelines under clause (i) shall provide for the inclusion in the arsonist registry of each applicable jurisdiction (and, in accordance with subsection (j), the provision by such jurisdiction to each entity described in such subsection) of the following information:

(I) The name of the arsonist (including any alias used by the arsonist).

(II) The Social Security number of the arsonist.

(III) The most recent known address of the residence at which the arsonist has resided.

(IV) A physical description of the arsonist.

(V) The text of the provision of law defining the criminal offense related to arson for which the arsonist is convicted.

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

(VII) A photocopy of a valid driver’s license or identification card issued to the arsonist by a jurisdiction, if available.

(VIII) Any other information required by the Attorney General.

(iii) **NOTICE REQUIRED.**—The guidelines under clause (i) shall provide notice to each criminal arsonist included in an arsonist registry pursuant to this subparagraph of such inclusion.

(5) STATE PENALTY FOR FAILURE TO COMPLY.—Each jurisdiction, other than a Federally recognized Indian tribe, shall provide a criminal penalty that includes a maximum term of imprisonment that is greater than one year for the failure of a criminal arsonist to comply with the requirements of this section.

(6) AUTHORITY TO EXEMPT CERTAIN CRIMINAL ARSONISTS FROM REGISTRY REQUIREMENTS.—A jurisdiction shall have the authority to exempt a criminal arsonist who has been convicted of the offense of arson in violation of the laws of the jurisdiction in which the offense was committed or the United States for the first time from the registration requirements under this section in exchange for such arsonist's substantial assistance in the investigation or prosecution of another person who has committed an offense. The Attorney General shall assure that any regulations promulgated under this section include guidelines that reflect the general appropriateness of exempting such an arsonist from the registration requirements under this section.

(c) INFORMATION REQUIRED IN REGISTRATION.—

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

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

(B) The Social Security number of the arsonist.

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

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

(E) The name and address of any place where the arsonist is a student or will be a student.

(F) The license plate number and a description of any vehicle owned or operated by the arsonist.

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

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

(A) A physical description of the arsonist.

(B) The text of the provision of law defining the criminal offense for which the arsonist is registered.

(C) The criminal history of the arsonist, including the date of all arrests and convictions; the status of parole, probation, or supervised release; registration status; and the existence of any outstanding arrest warrants for the arsonist.

(D) A current photograph of the arsonist.

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

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

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

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

(1) DURATION OF REGISTRATION REQUIREMENT.—A criminal arsonist shall keep the registration information provided under subsection (c) current for the full registration period (excluding any time the arsonist is in custody). For purposes of this subsection, the full registration period—

(A) shall commence on the later of the date on which the arsonist is convicted of an offense of arson in violation of the laws of the jurisdiction in which the offense was committed or the United States, the date on which the arsonist is released from prison for such conviction, or the date on which such arsonist is placed on parole, supervised release, or probation for such conviction; and

(B) shall be—

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

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

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

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

(A) IN GENERAL.—In the case of a criminal arsonist described in subparagraph (B), a jurisdiction shall expunge the arson registry of such jurisdiction of information related to such criminal arsonist as of the date that

is 5 years after the last day of the applicable full registration period under paragraph (1).

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

(i) was a juvenile tried as an adult for the offense giving rise to the duty to register; and

(ii) was not convicted of any other criminal felony during the period beginning on the first day of the applicable full registration period under paragraph (1) and ending on the last day of the 5-year period described in subparagraph (A).

(C) APPLICATION TO OTHER DATABASES.—The Attorney General shall establish a process to ensure that each entity that receives information under subsection (j) with respect to a criminal arsonist described in subparagraph (B) shall expunge the applicable database of such information as of the date that is 5 years after the last day of the applicable full registration period under paragraph (1).

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

(1) appear in person at not less than one jurisdiction in which such arsonist is required to register;

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

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

(f) DUTY TO NOTIFY CRIMINAL ARSONISTS OF REGISTRATION REQUIREMENTS AND TO REGISTER.—

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

(A) inform the arsonist of the duties of the arsonist under this section and explain those duties in a manner that the arsonist can understand in light of the arsonist's native language, mental capability, and age;

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

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

(D) ensure that the arsonist is registered.

(2) NOTIFICATION OF CRIMINAL ARSONISTS WHO CANNOT COMPLY WITH PARAGRAPH (1).—The Attorney General shall prescribe rules to ensure the notification and registration of criminal arsonists in accordance with paragraph (1) who cannot be notified and registered at the time set forth in paragraph (1).

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

(1) IN GENERAL.—Except as provided in this subsection, each jurisdiction shall make available on the Internet, in a manner that is readily accessible to law enforcement personnel and fire safety officers located in the jurisdiction, all information about each criminal arsonist in the registry. The jurisdiction shall also include in the design of its Internet site all field search capabilities needed for full participation in the National criminal arsonist Internet site established under subsection (i) and shall participate in that Internet site as provided by the Attorney General in regulations which comply with this paragraph.

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

(3) MANDATORY EXEMPTIONS.—A jurisdiction shall exempt from disclosure, with respect to information about a criminal arsonist—

(A) any information about the arsonist involving conviction for an offense other than the offense or offenses for which the arsonist is registered;

(B) any information about the arsonist if the arsonist is participating in a witness protection program and the release of such information could jeopardize the safety of the arsonist or any other individual; and

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

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

(A) the name of an employer of the arsonist; and

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

(5) CORRECTION OF ERRORS.—The Attorney General shall establish guidelines for each jurisdiction for a process to seek correction of information included in the Internet site established by the jurisdiction pursuant to paragraph (1) in the case that an individual contends such information is erroneous. Such guidelines shall provide for an adequate period following the date on which the individual has knowledge of the information's inclusion in the Internet site for the individual to seek such correction of information.

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

(h) NATIONAL CRIMINAL ARSONIST REGISTRY.—

(1) IN GENERAL.—The Attorney General shall maintain a national database at the Bureau of Alcohol, Tobacco, Firearms and Explosives for each criminal arsonist. The database shall be known as the National Arsonist Registry.

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

(i) NATIONAL ARSONIST INTERNET SITE.—The Attorney General shall establish and maintain a national arsonist Internet site. The Internet site shall include relevant information for each criminal arsonist. The Internet site shall allow law enforcement officers and fire safety officers to obtain relevant information for each such arsonist by a single query for any given zip code or geographical radius set by the user in a form and with such limitations as may be established by the Attorney General and shall have such other field search capabilities as the Attorney General may provide.

(j) NOTIFICATION PROCEDURES.—Under an arsonist registration program established by a jurisdiction pursuant to subsection (a), immediately after a criminal arsonist registers or updates a registration, an appropriate official in the jurisdiction shall provide the information in the registry (other than information exempted from disclosure by this section or by the Attorney General) about that offender to the following entities:

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

(2) Appropriate law enforcement agencies (including probation agencies, if appropriate) in each area in which the offender resides, is an employee, or is a student.

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

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

(k) ACTIONS TO BE TAKEN WHEN CRIMINAL ARSONIST FAILS TO COMPLY.—Under an arsonist registration program established by a jurisdiction pursuant to subsection (a), an appropriate official of the jurisdiction shall notify the Attorney General and appropriate law enforcement agencies of any failure by a criminal arsonist to comply with the requirements of the arsonist registry for such jurisdiction, and shall revise the registry to reflect the nature of such failure. The appropriate official, the Attorney General, and each such law enforcement agency shall take any appropriate action to ensure compliance.

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

(1) DUTY TO DEVELOP AND SUPPORT.—The Attorney General shall, in consultation with the jurisdictions, develop and support software to enable jurisdictions to establish and operate uniform arsonist registries and Internet sites.

(2) CRITERIA.—The software described in paragraph (1) should facilitate—

(A) immediate exchange of information among jurisdictions;

(B) access over the Internet to appropriate information, including the number of registered criminal arsonists in each jurisdiction on a current basis;

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

(D) communication of information as required under subsection (j).

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

(m) PERIOD FOR IMPLEMENTATION BY JURISDICTIONS.—

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

(A) three years after the date of the enactment of this Act; or

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

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

(n) FAILURE OF JURISDICTION TO COMPLY.—

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

(2) STATE CONSTITUTIONALITY.—

(A) IN GENERAL.—When evaluating whether a jurisdiction has substantially implemented this section, the Attorney General shall consider whether the jurisdiction is unable to substantially implement this section because of a demonstrated inability to implement certain provisions that would place the jurisdiction in violation of its constitution, as determined by a ruling of the jurisdiction's highest court.

(B) EFFORTS.—If the circumstances arise under subparagraph (A), then the Attorney General and the jurisdiction involved shall make good faith efforts to accomplish substantial implementation of this section and to reconcile any conflicts between this section and the jurisdiction's constitution. In considering whether compliance with the requirements of this section would likely violate the jurisdiction's constitution or an interpretation thereof by the jurisdiction's highest court, the Attorney General shall consult with the chief executive and chief legal officer of the jurisdiction concerning the jurisdiction's interpretation of the jurisdiction's constitution and rulings thereon by the jurisdiction's highest court.

(C) ALTERNATIVE PROCEDURES.—If a jurisdiction is unable to substantially implement this section because of a limitation imposed by the jurisdiction's constitution, the Attorney General may determine that the jurisdiction is in compliance with this section if the jurisdiction has made, or is in the process of implementing, reasonable alternative procedures or accommodations, which are consistent with the purposes of this section.

(3) REALLOCATION.—Amounts not allocated under a program referred to in this subsection to a jurisdiction for failure to substantially implement this section shall be reallocated under that program to jurisdictions that have not failed to substantially implement this section or may be reallocated to a jurisdiction from which they were withheld to be used solely for the purpose of implementing this section.

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

(o) ELECTION BY INDIAN TRIBES.—

(1) ELECTION.—

(A) IN GENERAL.—A federally recognized Indian tribe may, by resolution or other enactment of the tribal council or comparable governmental body, elect to carry out this subtitle as a jurisdiction subject to its provisions.

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

(2) COOPERATION BETWEEN TRIBAL AUTHORITIES AND OTHER JURISDICTIONS.—

(A) NONDUPLICATION.—A tribe subject to this subtitle is not required to duplicate functions under this subtitle which are fully carried out by another jurisdiction or jurisdictions within which the territory of the tribe is located.

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

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

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

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

(p) **IMMUNITY FOR GOOD FAITH CONDUCT.**—The Federal Government, jurisdictions, political subdivisions of jurisdictions, and their agencies, officers, employees, and agents shall be immune from liability for good faith conduct under this section.

(q) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to carry out subsections (h) and (i) of this section, such sums as may be necessary for each of the fiscal years 2009 through 2014.

SEC. 3. CRIMINAL ARSONIST MANAGEMENT ASSISTANCE PROGRAM.

(a) **IN GENERAL.**—The Attorney General shall establish and implement a Criminal Arsonist Management Assistance program (in this section referred to as the “Assistance Program”), under which the Attorney General shall award a grant to a jurisdiction to offset the costs of implementing section 2.

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

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

(1) In the case of a determination that the jurisdiction has substantially implemented such section by a date that is not later than the date that is one year after the date of the enactment of this Act, 10 percent of the total received by the jurisdiction under the Assistance Program for the preceding fiscal year.

(2) In the case of a determination that the jurisdiction has substantially implemented such section by a date that is later than one year after the date of the enactment of this Act, but not later than the date that is two years after such date of enactment, 5 percent of such total.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to any amounts otherwise authorized to be appropriated, there are authorized to be appropriated to the Attorney General, to be available only for the Assistance Program, such sums as may be necessary for each of the fiscal years 2009 through 2014.

SEC. 4. DEFINITIONS.

For purposes of this Act:

(1) **CRIMINAL ARSONIST.**—The term “criminal arsonist” means an individual who is convicted of any criminal offense for committing arson in violation of the laws of the jurisdiction in which such offense was committed or the United States. Such term shall not include a juvenile who is convicted of such an offense unless such juvenile was tried as an adult for such offense.

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

(3) **CRIMINAL OFFENSE.**—The term “criminal offense” means a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105–119 (10 U.S.C. 951 note)) or other criminal offense.

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

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

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

(B) an individual serving in an official capacity as a firefighter, fire investigator, or other arson investigator, as defined by the jurisdiction for the purposes of this Act.

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

(A) A State.

(B) The District of Columbia.

(C) The Commonwealth of Puerto Rico.

- (D) Guam.
 - (E) American Samoa.
 - (F) The Northern Mariana Islands.
 - (G) The United States Virgin Islands.
 - (H) To the extent provided and subject to the requirements of section 2(o), a Federally recognized Indian tribe.
- (7) LAW ENFORCEMENT OFFICER.—The term “law enforcement officer” has the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968 (42 U.S.C. 3796b).
- (8) RESIDES.—The term “resides” means, with respect to an individual, the location of the individual’s home or other place where the individual habitually lives.
- (9) STUDENT.—The term “student” means an individual who enrolls in or attends an educational institution (whether public or private), including a secondary school, trade or professional school, and institution of higher education.

PURPOSE AND SUMMARY

H.R. 1759, the “Managing Arson Through Criminal History (MATCH) Act of 2007,” requires jurisdictions to establish and maintain jurisdiction-wide arsonist registries and make such registries available on the Internet to other law enforcement agencies. The bill requires criminal arsonists to register in each jurisdiction in which such arsonists reside, are employed, or are students. In addition, H.R. 1759 requires the Attorney General to maintain a national database, incorporating the various jurisdiction databases, at the Bureau of Alcohol, Tobacco, Firearms, and Explosives to be known as the National Arsonist Registry.

BACKGROUND AND NEED FOR THE LEGISLATION

According to the United States Fire Administration, arson is the leading cause of fire in the United States. It annually results in more than 2,000 injuries, 400 deaths, and \$1.4 billion in property damages.¹ Arson is also one of the most difficult crimes to prosecute, with only 16% of intentionally set fires resulting in an arrest and only 2% resulting in a conviction.² Although arson causes significant losses in lives and property each year, there is no national registry requiring convicted arsonists to notify law enforcement of their residence, place of employment, or other information that would aid law enforcement in identifying offenders with a demonstrated disposition for committing arson offenses.

To aid law enforcement in identifying criminal activity related to arson, H.R. 1759, the “Managing Arson Through Criminal History (MATCH) Act of 2007,” establishes the National Arson Registry, a comprehensive nationwide network of registry databases developed by the Attorney General for tracking convicted arsonists. H.R. 1759 requires jurisdictions to create arson registries, and requires convicted arsonists to register in each jurisdiction in which he or she resides, is an employee, or is a student at an educational institution. The Bureau of Alcohol, Tobacco, Firearms, and Explosives is required to coordinate the various databases through the National Arson Registry and make the information available to law enforcement agencies.

¹ U.S. Fire Administration Topical Fire Research Series, Arson in the United States, vol. 1, issue 8 (Jan 2001).

² Federal Bureau of Investigation, Crime in the United States 2002: Crime Index Offenses Reported—Arson, at http://www.fbi.gov/ucr/cius_02/html/web/offreported/offreported.html.

HEARINGS

The Committee's Subcommittee on Crime, Terrorism, and Homeland Security held 1 day of hearings on November 6, 2007. Testimony was received from Representative Mary Bono (R-CA), the bill's sponsor; Representative Adam Schiff (D-CA); Fire Chief Tracy Pansini of the Burbank Fire Department, Burbank, California; and Fire Chief William M. Soqui of the Cathedral City Fire Department, Cathedral City, California.

COMMITTEE CONSIDERATION

On November 6, 2007, the Subcommittee on Crime, Terrorism, and Homeland Security met in open session and ordered the bill, H.R.1759, favorably reported by voice vote without amendment, a quorum being present. On November 7, 2007, the Committee met in open session and ordered the bill, H.R. 1759, favorably reported with an amendment by voice vote, a quorum being present.

COMMITTEE VOTES

In compliance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the Committee advises that there were no recorded votes during the Committee's consideration of H.R. 1759.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

COMMITTEE COST ESTIMATE

The Congressional Budget Office (CBO) estimate of the costs of implementing H.R. 1759 as reported by the Committee on the Judiciary was not available as of the time of filing this report. When the Congressional Budget Office letter setting forth its official cost estimate becomes available, it will be printed in the Congressional Record. In compliance with clause 3(d)(2) of rule XIII of the Rules of the House of Representatives, the Committee estimates the costs as follows:

COST TO THE FEDERAL GOVERNMENT

The Committee does not anticipate that the bill will have any significant effect on the Federal budget, or on the budgets of State, Territorial, or Tribal governments. The bill requires States, Territories, and Indian Tribes to establish and maintain registries of convicted arsonists, and also requires the Federal Government to

establish and maintain a national registry. The States, Territories, and Tribes are eligible to apply for Federal grants to cover costs of implementing the registries. Based on preliminary consultations with CBO, the Committee believes that the costs to the Federal Government, whether from establishing the national registry or from reimbursing States, Territories, and Tribes for establishing their own registries, will be insignificant. Nor, based on those consultations, does the Committee believe the bill will have any significant effect on direct Federal spending or receipts.

PERFORMANCE GOALS AND OBJECTIVES

The Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goal of H.R. 1759 is to help arson investigators develop investigative leads to help solve arson crimes.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in Article I, Section 8 of the Constitution.

ADVISORY ON EARMARKS

In accordance with clause 9 of rule XXI of the Rules of the House of Representatives, H.R. 1759 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

SECTION-BY-SECTION ANALYSIS

The following discussion describes the bill as reported by the Committee.

Sec. 1. Short title. Section 1 sets forth the short title of the bill as the “Managing Arson Through Criminal History (MATCH) Act of 2007.”

Sec. 2. Arsonist Registration and Notification Program. Section 2 establishes the registry requirements for jurisdictions and arsonists. Jurisdictions must establish and maintain a registry in accordance with guidelines and requirements issued by the Attorney General.

Arsonists must initially register with the jurisdiction where the arsonist resides, is employed, or is a student, and for initial registration where the arsonist’s arson conviction was issued if different from the any of the former three areas. Arsonists must initially register before completing a sentence for arson or, if not sentenced to imprisonment, within ten business days after being sentenced for an arson offense. They must keep their portion of the registry current by entering pertinent information about changes in address, employment, and student status within ten business days of the change, and jurisdictions must provide a criminal penalty for failure to comply. Jurisdictions have the authority to exempt certain arsonists from registry requirements if it is the arsonist’s first arson offense and the arsonist has provided substantial assistance with the investigation.

Pursuant to section 2, an arsonist must provide his or her name (including any aliases), Social Security number, all residence addresses, name and address of the arsonist's employer, name and address of the school he or she is attending, license plate numbers of any vehicles owned or operated by the arsonist, and any other information required by the Attorney General. This section also requires the jurisdiction to include a physical description of the arsonist; the text of the law the arsonist violated; the arsonist's criminal history, current photograph, and fingerprints; a copy of the arsonist's driver's license; and any other information deemed pertinent by the Attorney General.

In addition, section 2 specifies that an arsonist must keep the information current for the required registry period, which is 5 years for a first arson offense, 10 years for a second arson offense, and for life if convicted of more than two arson offenses. Arsonists must verify the data annually, and jurisdictions are required to notify them of the requirements.

This section also mandates the establishment of the National Criminal Arsonist Registry, which is to be developed by the Attorney General. To that end, the Attorney General must develop and support software so the registry can employ the various jurisdictions' registries in the National Registry. The registry must be maintained by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Section 2 further provides that jurisdictions must develop and employ their registries within 3 years of enactment of this legislation, although the Attorney General may grant extensions in certain circumstances. Failure to comply will result in a 10-percent reduction in the funds the jurisdiction would otherwise receive for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. §§ 3750 et seq. The Attorney General may exempt a jurisdiction if compliance raises constitutionality issues for the jurisdiction, and may grant extensions for a jurisdiction's good faith attempts to comply.

Sec. 3. Criminal Arsonist Management Assistance Program. Section 3 requires the Attorney General to establish the Criminal Arsonist Management Assistance Program to help jurisdictions offset the cost of implementing section 2.

Sec. 4. Definitions. Section 4 defines various terms. First, it defines a "criminal arsonist" as an individual who is convicted of any criminal offense for committing arson in violation of the laws of the jurisdiction in which such offense was committed or of the United States. The term does not include a juvenile offender unless tried and convicted as an adult.

Second, it defines "arsonist registry" as a registry of criminal arsonists, and a notification program, maintained by a jurisdiction. Third, it defines "criminal offense" as a State, local, tribal, foreign, or military offense (to the extent specified by the Secretary of Defense under section 115(a)(8)(C)(i) of Public Law 105-119 (10 U.S.C. 951 note)) or other criminal offense.

Fourth, it defines "employee" as an individual who is self-employed or who works for any other entity, whether compensated or not.

Fifth, it defines "fire safety officer" as: (1) a firefighter, as such term is defined in section 1204 of the Omnibus Crime Control and

Safe Street Act of 1968 (42 U.S.C. 3796b)); or (2) an individual serving in an official capacity as a firefighter, fire investigator, or other arson investigator, as defined by the jurisdiction for the purposes of the bill.

The term “jurisdiction” is defined to be any of the following: a State; the District of Columbia; the Commonwealth of Puerto Rico; Guam; American Samoa; the Northern Mariana Islands; or the United States Virgin Islands. In addition, the term includes a federally recognized Indian tribe to the extent subject to the requirements of section 2(o).

Section 4 defines the term “law enforcement officer” as having the meaning given such term in section 1204 of the Omnibus Crime Control and Safe Street Act of 1968, 42 U.S.C. 3796b. With respect to an individual, the term “resides” is defined in reference to the location of the individual’s home or other place where the individual habitually lives.

Finally, section 4 defines the term “student” to mean an individual who enrolls in or attends an educational institution (whether public or private), including a secondary school, trade or professional school, or institution of higher education.

