

110TH CONGRESS  
1ST SESSION

# 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.

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## 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

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## 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”.

1 **SEC. 2. ARSONIST REGISTRATION AND NOTIFICATION PRO-**  
2 **GRAM.**

3 (a) **REGISTRY REQUIREMENTS FOR JURISDIC-**  
4 **TIONS.—**

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

6 Each jurisdiction shall establish and maintain a ju-  
7 risdiction-wide arsonist registry conforming to the  
8 requirements of this section.

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

12 (b) **REGISTRY REQUIREMENTS FOR CRIMINAL**  
13 **ARSONISTS.—**

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

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

24 (A) before completing a sentence of impris-  
25 onment with respect to the offense giving rise  
26 to the registration requirement; or

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

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

15 (4) INITIAL REGISTRATION OF CRIMINAL  
16 ARSONISTS UNABLE TO COMPLY WITH PARAGRAPH  
17 (2).—The Attorney General shall have the authority  
18 to specify the applicability of the requirements of  
19 this section to criminal arsonists convicted before the  
20 date of the enactment of this Act or its implementa-  
21 tion in a particular jurisdiction, and to prescribe  
22 rules for the registration of any such criminal  
23 arsonists and other categories of criminal arsonists  
24 who are unable to comply with paragraph (2).

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

8           (6) LIMITED AUTHORITY TO EXEMPT CERTAIN  
9           CRIMINAL ARSONISTS FROM REGISTRY REQUIRE-  
10          MENTS.—A jurisdiction shall have the authority to  
11          exempt a criminal arsonist who has been convicted  
12          of the offense of arson in violation of the laws of the  
13          jurisdiction in which the offense was committed or  
14          the United States for the first time from the reg-  
15          istration requirements under this section in ex-  
16          change for such arsonist’s substantial assistance in  
17          the investigation or prosecution of another person  
18          who has committed an offense. The jurisdiction shall  
19          revoke any such exemption and order the arsonist to  
20          comply with the registration requirements of this  
21          section immediately upon cessation of active co-  
22          operation with the jurisdiction relating to such inves-  
23          tigation or prosecution. The Attorney General shall  
24          assure that any regulations promulgated under this  
25          section include guidelines that reflect the general ap-

1       appropriateness of exempting such an arsonist from  
2       the registration 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          A criminal arsonist shall keep the registration information  
25          provided under subsection (c) current for the full registra-

1 tion period (excluding any time the arsonist is in custody  
2 or civilly committed). For purposes of this subsection, the  
3 full registration period—

4 (1) shall commence on the later of the date on  
5 which the arsonist is convicted of an offense of arson  
6 in violation of the laws of the jurisdiction in which  
7 the offense was committed or the United States, the  
8 date on which the arsonist is released from prison  
9 for such conviction, or the date on which such arson-  
10 ist is placed on parole, supervised release, or proba-  
11 tion for such conviction; and

12 (2) shall be—

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

15 (B) ten years for an arsonist who has been  
16 convicted of such an offense for the second  
17 time; and

18 (C) for the life of the arsonist for an ar-  
19 arsonist who has been convicted of such an of-  
20 fense more than twice.

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

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

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

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

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

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

15                   (A) inform the arsonist of the duties of the  
16                   arsonist under this section and explain those  
17                   duties;

18                   (B) require the arsonist to read and sign  
19                   a form stating that the duty to register has  
20                   been explained and that the arsonist under-  
21                   stands the registration requirement; and

22                   (C) ensure that the arsonist is registered.

23           (2) NOTIFICATION OF CRIMINAL ARSONISTS  
24           WHO CANNOT COMPLY WITH PARAGRAPH (1).—The  
25           Attorney General shall prescribe rules for the notifi-

1 cation of criminal arsonists who cannot be notified  
2 and registered in accordance with paragraph (1).

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

5 (1) IN GENERAL.—Except as provided in this  
6 subsection, each jurisdiction shall make available on  
7 the Internet, in a manner that is readily accessible  
8 to all jurisdictions, law enforcement officers, and fire  
9 safety officers, all information about each criminal  
10 arsonist in the registry. The jurisdiction shall also  
11 include in the design of its Internet site all field  
12 search capabilities needed for full participation in  
13 the National criminal arsonist Internet site estab-  
14 lished under subsection (i) and shall participate in  
15 that Internet site as provided by the Attorney Gen-  
16 eral.

17 (2) OPTIONAL EXEMPTIONS.—A jurisdiction  
18 may exempt from disclosure, with respect to infor-  
19 mation about a criminal arsonist—

20 (A) any information about the arsonist in-  
21 volving conviction for an offense other than the  
22 offense or offenses for which the arsonist is reg-  
23 istered;

24 (B) the name of an employer of the arson-  
25 ist;

1 (C) the name of an educational institution  
2 where the arsonist is a student;

3 (D) 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 (E) any other information identified as an  
9 optional exemption from disclosure by the At-  
10 torney General.

11 (3) LINKS.—An Internet site established by a  
12 jurisdiction pursuant to paragraph (1) shall include,  
13 to the extent practicable, links to substance abuse  
14 education resources.

15 (4) CORRECTION OF ERRORS.—An Internet site  
16 established by a jurisdiction pursuant to paragraph  
17 (1) shall include instructions on how to seek correc-  
18 tion of information that an individual contends is er-  
19 roneous.

20 (5) WARNING.—An Internet site established by  
21 a jurisdiction pursuant to paragraph (1) shall in-  
22 clude a warning that information on the site should  
23 not be used to unlawfully injure, harass, or commit  
24 a crime against any individual named in the registry  
25 or residing or working at any reported address. The

1 warning shall note that any such action could result  
2 in civil or criminal penalties.

3 (h) NATIONAL CRIMINAL ARSONIST REGISTRY.—

4 (1) IN GENERAL.—The Attorney General shall  
5 maintain a national database at the Federal Bureau  
6 of Investigation for each criminal arsonist and any  
7 other person required to register in a jurisdiction’s  
8 arsonist registry under subsection (a). The database  
9 shall be known as the National Arsonist Registry.

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

15 (i) NATIONAL ARSONIST INTERNET SITE.—The At-  
16 torney General shall establish and maintain a national ar-  
17 sonist Internet site. The Internet site shall include rel-  
18 evant information for each criminal arsonist and other  
19 person listed on a jurisdiction’s Internet site under sub-  
20 section (g). The Internet site shall allow law enforcement  
21 officers and fire safety officers to obtain relevant informa-  
22 tion for each such arsonist by a single query for any given  
23 zip code or geographical radius set by the user in a form  
24 and with such limitations as may be established by the

1 Attorney General and shall have such other field search  
2 capabilities as the Attorney General may provide.

3 (j) NOTIFICATION PROCEDURES.—Under an arsonist  
4 registration program established by a jurisdiction pursu-  
5 ant to subsection (a), immediately after a criminal arson-  
6 ist registers or updates a registration, an appropriate offi-  
7 cial in the jurisdiction shall provide the information in the  
8 registry (other than information exempted from disclosure  
9 by the Attorney General) about that offender to the fol-  
10 lowing:

11 (1) The Attorney General, who shall include  
12 that information in the National Arsonist Registry  
13 or other appropriate databases.

14 (2) Appropriate law enforcement agencies (in-  
15 cluding probation agencies, if appropriate), and each  
16 school and public housing agency, in each area in  
17 which the offender resides, is an employee, or is a  
18 student.

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

23 (4) Any organization, company, or individual  
24 who requests such notification pursuant to proce-  
25 dures established by the jurisdiction.

1           (k) ACTIONS TO BE TAKEN WHEN CRIMINAL AR-  
2       SONIST FAILS TO COMPLY.—Under an arsonist registra-  
3       tion program established by a jurisdiction pursuant to  
4       subsection (a), an appropriate official of the jurisdiction  
5       shall notify the Attorney General and appropriate law en-  
6       forcement agencies of any failure by a criminal arsonist  
7       to comply with the requirements of the arsonist registry  
8       for such jurisdiction, and shall revise the registry to reflect  
9       the nature of such failure. The appropriate official, the  
10      Attorney General, and each such law enforcement agency  
11      shall take any appropriate action to ensure compliance.

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

14           (1) DUTY TO DEVELOP AND SUPPORT.—The  
15      Attorney General shall, in consultation with the ju-  
16      risdictions, develop and support software to enable  
17      jurisdictions to establish and operate uniform arson-  
18      ist registries and Internet sites.

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

21           (A) immediate exchange of information  
22           among jurisdictions;

23           (B) access over the Internet to appropriate  
24           information, including the number of registered

1 criminal arsonists in each jurisdiction on a cur-  
2 rent basis;

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

5 (D) communication of information as re-  
6 quired under subsection (j).

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

11 (m) PERIOD FOR IMPLEMENTATION BY JURISDIC-  
12 TIONS.—

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

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

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

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

24 (n) FAILURE OF JURISDICTION TO COMPLY.—

1           (1) IN GENERAL.—For any fiscal year after the  
2 deadline described in subsection (m), a jurisdiction  
3 that fails, as determined by the Attorney General, to  
4 substantially implement this section shall not receive  
5 10 percent of the funds that would otherwise be allo-  
6 cated for that fiscal year to the jurisdiction under  
7 subpart 1 of part E of title I of the Omnibus Crime  
8 Control and Safe Streets Act of 1968 (42 U.S.C.  
9 3750 et seq.).

10           (2) STATE CONSTITUTIONALITY.—

11           (A) IN GENERAL.—When evaluating  
12 whether a jurisdiction has substantially imple-  
13 mented this section, the Attorney General shall  
14 consider whether the jurisdiction is unable to  
15 substantially implement this section because of  
16 a demonstrated inability to implement certain  
17 provisions that would place the jurisdiction in  
18 violation of its constitution, as determined by a  
19 ruling of the jurisdiction’s highest court.

20           (B) EFFORTS.—If the circumstances arise  
21 under subparagraph (A), then the Attorney  
22 General and the jurisdiction involved shall make  
23 good faith efforts to accomplish substantial im-  
24 plementation of this section and to reconcile  
25 any conflicts between this section and the juris-

1           diction’s constitution. In considering whether  
2           compliance with the requirements of this section  
3           would likely violate the jurisdiction’s constitu-  
4           tion or an interpretation thereof by the jurisdic-  
5           tion’s highest court, the Attorney General shall  
6           consult with the chief executive and chief legal  
7           officer of the jurisdiction concerning the jurisdic-  
8           tion’s interpretation of the jurisdiction’s con-  
9           stitution and rulings thereon by the jurisdic-  
10          tion’s highest court.

11           (C) ALTERNATIVE PROCEDURES.—If a ju-  
12          risdiction is unable to substantially implement  
13          this section because of a limitation imposed by  
14          the jurisdiction’s constitution, the Attorney  
15          General may determine that the jurisdiction is  
16          in compliance with this section if the jurisdic-  
17          tion has made, or is in the process of imple-  
18          menting, reasonable alternative procedures or  
19          accommodations, which are consistent with the  
20          purposes of this section.

21           (D) FUNDING REDUCTION.—If a jurisdic-  
22          tion determined to be in compliance under sub-  
23          paragraph (C) does not comply with the alter-  
24          native procedures or accommodations described  
25          in such subparagraph, then the jurisdiction

1 shall be subject to a funding reduction as speci-  
2 fied in paragraph (1).

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

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

16 (o) ELECTION BY INDIAN TRIBES.—

17 (1) ELECTION.—

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

23 (B) IMPLEMENTATION.—If a tribe does  
24 not, within one year of enactment of this Act,  
25 make an election to take on these duties, it

1 shall, by resolution or other enactment of the  
2 tribal council or comparable governmental body,  
3 enter into a cooperative agreement to arrange  
4 for a jurisdiction to carry out any function of  
5 the tribe under this Act until such time as the  
6 tribe elects to carry out this Act.

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

9 (A) NONDUPLICATION.—A tribe subject to  
10 this subtitle is not required to duplicate func-  
11 tions under this subtitle which are fully carried  
12 out by another jurisdiction or jurisdictions with-  
13 in which the territory of the tribe is located.

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

17 (i) arrange for the tribe to carry out  
18 any function of such a jurisdiction under  
19 this subtitle with respect to arsonists sub-  
20 ject to the tribe's jurisdiction; and

21 (ii) arrange for such a jurisdiction to  
22 carry out any function of the tribe under  
23 this subtitle with respect to arsonists sub-  
24 ject to the tribe's jurisdiction.



1 (b) APPLICATION.—The chief executive of a jurisdic-  
2 tion desiring a grant under this section shall, on an annual  
3 basis, submit to the Attorney General an application in  
4 such form and containing such information as the Attor-  
5 ney General may require.

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

14 (1) In the case of a determination that the ju-  
15 risdiction has substantially implemented such section  
16 by a date that is not later than the date that is one  
17 year after the date of the enactment of this Act, 10  
18 percent of the total received by the jurisdiction  
19 under the Assistance Program for the preceding fis-  
20 cal year.

21 (2) In the case of a determination that the ju-  
22 risdiction has substantilly implemented such section  
23 by a date that is later than one year after the date  
24 of the enactment of this Act, but not later than the

1 date that is two years after such date of enactment,  
2 5 percent of such total.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
4 tion to any amounts otherwise authorized to be appro-  
5 priated, there are authorized to be appropriated to the At-  
6 torney General, to be available only for the Assistance Pro-  
7 gram, such sums as may be necessary for each of the fiscal  
8 years 2008 through 2013.

9 **SEC. 4. DEFINITIONS.**

10 For purposes of this Act:

11 (1) CRIMINAL ARSONIST.—The term “criminal  
12 arsonist” means an individual who is convicted of  
13 any criminal offense for committing arson in viola-  
14 tion of the laws of the jurisdiction in which such of-  
15 fense was committed or the United States.

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

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

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

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

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

9                   (B) an individual serving in an official ca-  
10                  pacity as a firefighter, fire investigator, or other  
11                  arson investigator, as defined by the jurisdiction  
12                  for the purposes of this Act.

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

15                   (A) A State.

16                   (B) The District of Columbia.

17                   (C) The Commonwealth of Puerto Rico.

18                   (D) Guam.

19                   (E) American Samoa.

20                   (F) The Northern Mariana Islands.

21                   (G) The United States Virgin Islands.

22                   (H) To the extent provided and subject to  
23                  the requirements of section 2(o), a Federally  
24                  recognized Indian tribe.

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

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

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

○