

**§ 381.302 [Amended]**

2. In § 381.302, paragraph (a) is amended by removing "\$11,550" and adding "\$12,790" in its place.

**§ 381.303 [Amended]**

3. In § 381.303, paragraph (a) is amended by removing "\$16,860" and adding "\$18,680" in its place.

**§ 381.304 [Amended]**

4. In § 381.304, paragraph (a) is amended by removing "\$8,840" and adding "\$9,790" in its place.

**§ 381.305 [Amended]**

5. In § 381.305, paragraph (a) is amended by removing "\$3,310" and adding "3,670" in its place.

**§ 381.403 [Amended]**

6. Section 381.403 is amended by removing "\$5,740" and adding "\$6,370" in its place.

**§ 381.505 [Amended]**

7. In § 381.505, paragraph (a) is amended by removing "\$9,930" and adding "\$11,000" in its place and by removing "\$11,240" and adding "\$12,450" in its place.

**§ 381.801 [Amended]**

8. Section 381.801 is amended by removing "\$1,020" and adding "\$1,670" in its place.

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**DEPARTMENT OF JUSTICE****Office of Justice Programs****28 CFR Part 29**

[OJP No. 1081]

RIN 1121-AA38

**Motor Vehicle Theft Prevention Act Program Regulations**

**AGENCY:** Office of Justice Programs, Bureau of Justice Assistance, Justice.

**ACTION:** Final rule.

**SUMMARY:** The Bureau of Justice Assistance is publishing a Final Rule to implement the Motor Vehicle Theft Prevention Act of 1994 (MVTPA) by issuing regulations to establish a national voluntary motor vehicle theft prevention program. A Proposed Rule for public comment was published in the Federal Register on October 24, 1995. Under this program, motor vehicle owners may sign a consent form and obtain a program decal authorizing law enforcement officers to stop their motor vehicle if it is being driven under

certain specified conditions, and take reasonable steps to determine whether the vehicle is being operated with the owner's consent. There are two program conditions proposed in this rule. Under the first condition, the owner may consent to have the car stopped if it is operated between the hours of 1:00 a.m. and 5:00 a.m. Under the second condition, the owner may consent to have the car stopped if it crosses, is about to cross, or about to be transported across a United States land border, or if it enters a port. States and localities may elect to participate in the program solely at their option. The MVTPA grants the Attorney General authority to establish additional conditions so long as consent from program participants is obtained and a separate design for program decals is provided.

**EFFECTIVE DATE:** September 5, 1996.

**FOR FURTHER INFORMATION CONTACT:** Greg Morris, Bureau of Justice Assistance, Office of Justice Programs, Department of Justice, 633 Indiana Avenue, N.W., Room 1086D, Washington, D.C. 20531. (202) 616-3458.

**SUPPLEMENTARY INFORMATION:** Section 220001 of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103-322, 108 Stat. 2074, codified at 42 U.S.C. 14171, contains the Motor Vehicle Theft Prevention Act (MVTPA). The MVTPA requires the Attorney General to establish a national voluntary motor vehicle theft prevention program. The Attorney General has delegated the authority to establish such a program to the Assistant Attorney General for the Office of Justice Programs. The Assistant Attorney General for the Office of Justice Programs has delegated the authority and responsibility for the management and administration of the program to the Director of the Bureau of Justice Assistance.

Under this program, automobile owners may voluntarily sign a consent form and obtain a program decal that authorizes law enforcement officers to stop the motor vehicle if it is being operated under certain specified conditions and take reasonable steps to determine whether the vehicle is being operated with the owner's consent. Participation in this program is completely voluntary on the part of the vehicle owner and State and local governments.

A Proposed Rule with request for comments was published in the Federal Register on October 24, 1995. 60 FR 54459. The following is a summary of the comments received before the comment period closed on December 26, 1995.

The California Department of the Highway Patrol raised the following concerns: (1) Whether an officer has probable cause to stop a vehicle displaying a decal; (2) the ease with which a thief can remove a decal; (3) the necessity for extensive public awareness campaigns; and (4) the transferability or renewal of a decal from one vehicle to another.

The Department of Justice takes the position that under section § 29.8 of the rule, *Motor vehicle owner participation*, the owner of the vehicle has already granted permission to law enforcement officials to stop the vehicle if it is being operated under the specified conditions. It is also the owner's responsibility to advise any other user of the vehicle that they are subject to being stopped by law enforcement officials under specified conditions.

BJA intends to use a tamper-resistant, unobtrusive front window decal to be applied on the inside of the glass directly above the inside rear-view mirror. In the event that state or local regulations preclude placing a decal there, it may be placed on the lower right side. For the rear window, a tamper-resistant decal shall be placed on the exterior side of the glass along the lower left side. The decision to place the rear window decal on the outside face of the glass is due to the wide spread use of tinted glass, and to minimize the adverse effects from use of rear window defogger units.

BJA intends to use state-of-the-art, retroreflective sheeting paper in the manufacture of its decals which will result in the decal being luminescent and easily discernible at night when either direct or indirect light is cast upon it. This feature would have been compromised had the decal been placed on the interior side of tinted glass.

Secondly, the heat generated by a rear window defogger sometimes results in the loosening of stickers applied on the interior face of the glass. The removal of such stickers by scraping with a sharp object can result in damage to the defogger heating filaments embedded near the interior face of the glass.

For those vehicles that are convertibles or have removable tops, the rear window decal can be applied to the left side of the rear bumper.

The main purposes of the MVTPA Program is to create additional, time-consuming impediments for thieves, and to create a mechanism for law enforcement to proactively investigate auto theft before a stolen vehicle report is filed with the authorities.

The MVTPA Program compels a thief to remove a tamper-resistant bumper sticker while they are alongside the

vehicle, acting suspiciously and drawing attention to themselves. The thief must then gain access to the vehicle and arouse even greater suspicion by scraping from the interior of the windshield, a second, tamper-resistant, decal(s). These additional impediments, in addition to other theft prevention devices such as a steering wheel locks, increase the number of hurdles a thief must overcome and raise the deterrence threshold.

A significant number of auto thefts are committed during the early morning hours when the owners are asleep and unaware that their vehicles have been stolen. In many instances, a stolen car can be driven to a chop shop or driven across state lines before the owner awakens to discover the theft. The MVTPA Program allows police to proactively investigate auto theft before a stolen vehicle report is made by stopping those vehicles which are not normally driven during the early morning hours, or operated near to an international land border or port.

Additionally, some states maintain an additional computerized data base of vehicles enrolled in MVTPA-type programs which are instantly accessible to law enforcement at all times. Thus, if a thief has removed the vehicle's decals and while driving, arouses the suspicion of a police officer on patrol, that officer can access a computerized data base to not only check whether the vehicle has been reported as stolen, but also verify that the owner of the vehicle has enrolled the car in the MVTPA Program and that decals *should* be affixed to the vehicle. The absence of decals would heighten the officer's suspicion that the vehicle had been stolen.

As the MVTPA Program eventually expands into a nationwide program, BJA will begin a national public awareness campaign to both inform the public and publicize the Program. However, since the MVTPA will originate in a few selected states, BJA will focus its initial public awareness efforts on corroborative efforts with the respective state automobile theft prevention authorities to publicize their program statewide.

Section 29.10 and 29.11 respectively address the issues of owners withdrawing from the program, and the sale or transfer of the enrolled vehicle. In both instances the owner is required to completely remove the program decals, change the license plate if necessary, and is encouraged to notify the participating agency in writing.

The Illinois Motor Vehicle Theft Prevention Council questioned whether a registration fee would be required and who would be responsible for its

payment. The Bureau of Justice Assistance will defer to the participating states and localities on the question of fees charged to owners for registration and materials such as decals, stickers, emblems and license plates.

The Council also expressed concern over the size and design of the emblems, decals, stickers and devices. Section 29.3 of the Final Rule has been amended to task the Bureau of Justice Assistance with the responsibility of creating a standard, universally recognizable MVTPA reflective emblem, icon, stickers and or decal. The size and design of the front windshield decal will make them readily identifiable to a person standing a short distance away. The rear window decal or sticker will be readily identifiable to a person traveling in a vehicle at a safe distance behind.

The Council and other respondents raised concern regarding the maintenance of a computerized registry of participants. BJA fully supports the use of computerized state registries and has further amended the rule to provide states the flexibility of adopting the design of the icon or emblem into the manufacture of optional, vehicular license plates which would have to specifically requested by vehicle registrants. BJA believes that specialized license plates would be preferable to emblems or decals in the long-term. States can facilitate public awareness campaigns through the distribution of customized license plates and track their transferability.

Additionally, the Council noted that the design of the consent forms should be specified, and questioned whether unreasonable requirements may be placed on vehicle owners. Section 29.3 has been amended to require BJA to produce a model consent and registration form. The requirements will be clearly specified on such forms and section 29.13 prohibits the addition of new conditions without the owner's consent.

Finally, the Council expressed some concern that a national registration program would draw state registrants from Illinois' Beat Auto Theft (BAT) Program, creating duplication and necessitating retraining of public employees already familiar with BAT. However, the Council conceded that the advantages of a uniform, nation-wide program outweigh the temporary disadvantages of duplication and retraining while states with their own programs make the transition to the national program.

The National Automobile Dealers Association (NADA) wrote to request that new and used auto dealerships be included in the program. Whereas BJA

supports dealership decal registration programs in which states supply dealerships with an inventory of decals to be attached to vehicles on an as needed basis, BJA wishes to avoid micro management of states' programs. BJA has not included such dealership programs as a provision of the final regulation, but has revised the definition of the term "owner" in § 29.2 to include them. States and/or localities may elect to participate in the program by requesting program enrollment materials from BJA and by following the program requirements set forth in guidelines. BJA further notes that the previously cited option of utilizing license plate registration would not only better facilitate state record keeping, it would also enable automobile dealers to use special dealer license plates instead of constantly applying and removing decals.

NADA also suggested that Department of Justice abandon the current proposed time frame (1:00 a.m. to 5:00 a.m.) in favor of a time frame more conducive to the operation of automobile dealerships, such as 10:00 p.m. to 7:00 a.m. This recommendation has been rejected on the grounds that it would place an inordinate burden on participating motorists by exposing them to traffic stops between the hours of 10:00 p.m. and 1:00 a.m., and would place an extraordinary burden on commuters who must leave home before 7:00 a.m. to reach the workplace. In response to NADA's suggestion that states adopt criminal penalties for illegally tampering or removing decals, BJA notes that the MVPTA already imposes Federal sanctions for those who with the intent to steal, remove, deface, or obstruct a MVPTA decal, emblem or sticker. The Act also imposes a criminal fine for the unauthorized application of a theft prevention decal or device.

The MVTPA requires, as a condition of participation, that each State or locality agrees to take reasonable steps to ensure that law enforcement officials throughout its jurisdiction are familiar with the program, and with the conditions under which motor vehicles may be stopped. Participating states and/or localities are free to choose one or more of the program conditions established under this rule, and, therefore, need not authorize their law enforcement officers to stop motor vehicles under all the conditions specified hereunder in order to participate.

Participation in this program on the part of states and/or localities is completely voluntary, and participating jurisdictions may withdraw from the

program at any time by sending written notification to BJA.

The adoption of a universally recognizable MVTPA emblem or icon was prompted by comments received expressing concern over the lack of uniformity as various states devise their own emblems and decals; the transferability of decals from one vehicle to another; the ability of states to track participation in the program by integrating it with automobile registration systems; the need for public awareness campaigns; removal of decals by thieves; and a desire to implement a uniform national program to encourage participation by current nonparticipating states and localities.

This program is a Federal program that operates separately from any existing State and local motor vehicle theft prevention program. It is not intended to preempt existing State or local laws or programs. Likewise, this program is not intended to preclude states or localities from setting up their own programs with different or additional conditions. Participating owners also should be notified of the State or locality's decision to terminate the program.

Sections 29.8 through 29.12 of the rule explain how an owner in a participating jurisdiction may enroll his or her automobile in the program and the responsibilities that accompany participation. In order to enroll, the owner of the vehicle must sign a program consent form and register his or her vehicle with a participating State or locality. By signing the consent form, the owner states that his or her vehicle is normally not operated under certain specified conditions and consents to have the automobile stopped if participating law enforcement officials see the car operated under these conditions. Additionally, in those instances where states do not issue special license plates, the owner agrees to display the program decal on his or her vehicle. For each of the conditions, the owner must give consent and affix a separate decal.

Section 29.9 requires any person who is in the business of renting or leasing motor vehicles that bear a program decal to notify the person to whom the motor vehicle is rented or leased of the program prior to transferring possession of the vehicle. Failure to provide such notice to a renter or lessee may result in the assessment of a civil penalty of an amount not to exceed \$5,000. The Assistant Attorney General of the Civil Division, or his or her designee, shall have the responsibility to enforce the civil penalties hereunder.

Initially, the program will have two sets of conditions. Under the first condition, the owner may consent to have the car stopped if it is operated between the hours of 1:00 a.m. and 5:00 a.m. Under the second condition, the owner may consent to have the car stopped if it crosses, is about to cross, or is about to be transported across a United States land border, or if it enters a port. The rule establishes a one-mile limit within which states or localities may enforce the border provision. The one-mile limit is intended to give participating jurisdictions flexibility to implement the program in a manner most suitable to local conditions. However, jurisdictions are strongly encouraged to establish the boundary close to the border for enforcement purposes without disrupting traffic.

The early morning and border crossing conditions have been used successfully in existing State and local programs. The port provision is not, to BJA's knowledge, currently employed in any jurisdiction but has been included in these proposed regulations because many states, police departments, prosecutors, and industry representatives have expressed an interest in methods to reduce stolen vehicles transported through ports.

The MVTPA authorizes the Attorney General to add conditions to the program only with the consent of the vehicle owner. Accordingly, after the program has begun, new conditions under which a vehicle may be stopped may be added to an existing program only if the owner consents to the new condition or conditions.

At this time, based on consultations with State and local law enforcement organizations, prosecutors, and private industry representatives, the Department of Justice intends to implement the MVTPA with the two basic program conditions outlined above, limited to operation of a vehicle between 1:00 a.m. and 5:00 a.m., and operation or transport of a vehicle across a United States land border or into a United States port.

In accordance with 5 U.S.C. 605(b), the Director of the Bureau of Justice Assistance certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not a significant regulatory action under Executive Order No. 12866, and therefore, this rule has not been reviewed by the Office of Management and Budget. This rule has no federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order No. 12612.

## Regulatory Flexibility Act

The Director of the Bureau of Justice Assistance, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and, by approving it, certifies that the rule will not have a significant economic impact on a substantial number of small entities because of the following factors. Motor vehicle owners, State, and localities may elect to participate in this program solely at their option. This rule sets forth conditions under which such parties may participate but does not impose any fees. The Bureau of Justice Assistance defers to the participating States and localities on the question of whether fees will be charged to owners for registration and materials such as decals, stickers, emblems, and license plates.

## List of Subjects in 28 CFR Part 29

Administrative practice and procedure, Authority delegations, Crime, Highways and roads, International boundaries, Law enforcement, Motor vehicles, Organization and functions (Government agencies), Searches.

Accordingly, under the authority delegated by the Attorney General to the Bureau of Justice Assistance, title 28 of the Code of Federal Regulations is amended by adding part 29 to read as follows:

## **PART 29—MOTOR VEHICLE THEFT PREVENTION ACT REGULATIONS**

### Sec.

- 29.1 Purpose.
- 29.2 Definitions.
- 29.3 Administration by the Bureau of Justice Assistance.
- 29.4 Election to participate by states and localities.
- 29.5 Notification of law enforcement officials.
- 29.6 Limited participation by states and localities permitted.
- 29.7 Withdrawal from the program by states and localities.
- 29.8 Motor vehicle owner participation.
- 29.9 Motor vehicles for hire.
- 29.10 Owner withdrawal from the program.
- 29.11 Sale or other transfer of an enrolled vehicle.
- 29.12 Specified conditions under which stops may be authorized.
- 29.13 No new conditions without consent.

Authority: 28 U.S.C. 509, 510; 42 U.S.C. 14171.

### **§ 29.1 Purpose.**

(a) The purpose of this part is to implement the Motor Vehicle Theft Prevention Act, 42 U.S.C. 14171, which requires the Attorney General to develop, in cooperation with the states, a national voluntary motor vehicle theft

prevention program. The program will be implemented by states and localities, at their sole option.

(b) Under this program, individual motor vehicle owners voluntarily sign a consent form in which the owner

(1) Indicates that the identified vehicle is not normally operated under certain specified conditions and

(2) Agrees to display a program decal or license plate on the vehicle and to permit law enforcement officials in any jurisdiction to stop the motor vehicle if it is being operated under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(c) The regulations set forth in this part establish the conditions under which an owner may consent to having his or her vehicle stopped and the manner in which a State or locality may elect to participate.

#### **§ 29.2 Definitions.**

For the purposes of this part:

(a) "The Act" or "the MVTPA" means the Motor Vehicle Theft Prevention Act.

(b) "Owner" means the person or persons whose name(s) appear(s) on the certificate of title or to whom the car is registered. In the instance of a new vehicle awaiting sale or lease or in the instance of a used vehicle where the title has been assigned to a dealership, the term "owner" shall be construed to mean new and used automobile dealerships.

(c) "The Program" refers to the National Voluntary Motor Vehicle Theft Prevention Program implemented pursuant to the Motor Vehicle Theft Prevention Act.

#### **§ 29.3 Administration by the Bureau of Justice Assistance.**

The Director of the Bureau of Justice Assistance shall administer this Program and shall issue guidelines governing the operational aspects of it, including the design and production of a standardized, universally recognizable MVTPA reflective decal, as well as model consent and registration forms.

#### **§ 29.4 Election to participate by states and localities.**

(a) Any State or locality that wishes to participate in the program shall register with the BJA and request program enrollment materials. Registration forms will be available upon request. Participation in the program is wholly voluntary on the part of the State or locality.

(b) By electing to participate in the program, a State or locality agrees to do the following:

(1) Make program enrollment materials, including consent forms, available to interested motor vehicle owners;

(2) Collect completed consent forms;

(3) Provide enrolled motor vehicle owners with the decal(s), and license plate(s) applicable to their program condition or conditions and instructions governing program participation;

(4) Take the necessary steps to authorize law enforcement officials to stop motor vehicles enrolled in the program; and

(5) Comply with any other regulation(s) or guideline(s) governing participation in this program.

#### **§ 29.5 Notification of law enforcement officials.**

In addition to the actions enumerated in § 29.4(b), as a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials under its jurisdiction are familiar with the program and with the conditions under which motor vehicles may be stopped.

#### **§ 29.6 Limited participation by states and localities permitted.**

A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program.

#### **§ 29.7 Withdrawal from the program by states and localities.**

Any participating State or locality may withdraw from the program at any time by sending written notification to BJA and by notifying participating owners individually by mail of the decision to withdraw.

#### **§ 29.8 Motor vehicle owner participation.**

In order to participate in this program, the owner(s) of a motor vehicle must sign a program consent form and register with a participating State or locality. If the vehicle is registered to more than one person, both owners must sign the consent form. By enrolling in the federal program, the owner(s) of the motor vehicle—

(a) State(s) that the vehicle is not normally operated under the specified conditions; and

(b) Agree(s) to:

(1) Display the program decals or devices on the owner's vehicle;

(2) Permit law enforcement officials in any State or locality to stop the motor vehicle if the vehicle is being operated under the specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner;

(3) Expressly advise any borrower of the vehicle of the existence of this agreement, and that such user will be subject to being stopped by law enforcement officials if the vehicle is being operated under the specified condition(s) even if the officials have no other basis for believing the vehicle is being operated unlawfully; and

(4) Comply with any other regulation(s) or guideline(s) governing participation in this program.

#### **§ 29.9 Motor vehicles for hire.**

(a) Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall notify the person to whom the motor vehicle is rented or leased about the program, prior to transferring possession of the vehicle.

(b) The notice required by this section shall be printed in bold type in the rental or lease agreement, and on the envelope in which the rental agreement is placed. The notice provision in the rental or lease agreement must utilize a larger font than the standard type in the agreement. The notice must state that the motor vehicle may be stopped by law enforcement officials if it is operated under the conditions specified by the program in which the car is enrolled even if the officials have no other basis for believing that the vehicle is being operated unlawfully.

(c) Failure to provide the notice required by this section to a renter or lessee may result in the assessment of a civil penalty by the Assistant Attorney General, Civil Division, or his or her designee, of an amount not to exceed \$5,000. No penalty shall be assessed unless the person charged has been given notice and an opportunity for a hearing of such charge.

#### **§ 29.10 Owner withdrawal from the program.**

An owner may withdraw from the program at any time by completely removing the program decal and changing the license plate if necessary. The owner is also encouraged to notify the participating agency in writing of such withdrawal.

#### **§ 29.11 Sale or other transfer of an enrolled vehicle.**

Upon the transferral of ownership of an enrolled vehicle, the transferring owner must completely remove the program decals, change the license plate(s) if necessary, and is encouraged to notify the participating agency in writing of the transfer of ownership of the vehicle.

**§ 29.12 Specified conditions under which stops may be authorized.**

A motor vehicle owner may voluntarily enroll his or her vehicle(s) and give written consent to law enforcement official to stop the vehicle if it is being operated under any or all the conditions set forth in this section. For each condition, the owner(s) must grant consent and affix a separate decal, device, or license plate.

(a) *Time.* A motor vehicle owner may authorize law enforcement officers to stop the enrolled vehicle if it is being operated between the hours of 1:00 AM and 5:00 AM. By enrolling in a program with this condition, the owner must state that the vehicle is not normally operated between the specified hours, and that the owner understands that the operation of the vehicle between those hours provides sufficient grounds for a law enforcement officer to reasonably believe that the vehicle is not being operated by or with the consent of the owner, even if the law enforcement official has no other basis for believing that the vehicle is being operated unlawfully.

(b) *Border crossing or port entry.* A motor vehicle owner may authorize law enforcement officers to stop the enrolled vehicle if it crosses, is about to cross or is about to be transported across a United States land border, or if it enters a United States port. For purposes of this section, the phrase "about to cross a United States land border" means the vehicle is operated or transported within one mile of a United States land border. Participating States or localities may implement this provision in accordance with local conditions, provided that a participating State or locality may not extend the applicable geographic area beyond one mile from the United States land border. By enrolling in a program with this condition, the owner must state that the vehicle is not normally driven across a border or into a port, and that the owner understands that the operation or transport of the vehicle within a mile of a United States land border or into a port provides sufficient grounds for a law enforcement officer to believe that the vehicle is not being operated by or with the consent of the owner even if the law enforcement officer has no other basis for believing that the vehicle is being operated unlawfully.

**§ 29.13 No new conditions without consent.**

After the program has begun, new conditions under which a vehicle may be stopped may only be added to an existing program if the owner consents to the new condition or conditions.

Dated: July 30, 1996.  
Nancy E. Gist,  
*Director, Bureau of Justice Assistance.*  
[FR Doc. 96-19778 Filed 8-5-96; 8:45 am]  
BILLING CODE 4410-18-P

**28 CFR Part 90****[OJP No. 1019]****RIN 1121-AA35****Grants To Encourage Arrest Policies****AGENCY:** Office of Justice Programs, Justice.**ACTION:** Final rule.

**SUMMARY:** This document announces the final rule for the Grants to Encourage Arrest Policies authorized by the Violence Against Women Act, Title IV of the Violent Crime Control and Law Enforcement Act of 1994. For Fiscal Year 1996, Congress has appropriated \$28 million to the United States Department of Justice, Office of Justice Programs, for Grants to Encourage Arrest Policies. This regulation is being published under the general statutory grant of authority to issue rules and regulations pursuant to the Omnibus Crime Control and Safe Streets Act of 1968. The purpose of this regulation is to provide a general outline of the program and its purposes as set forth in the statute.

**EFFECTIVE DATE:** The final rule is effective August 6, 1996.

**FOR FURTHER INFORMATION CONTACT:** The Department of Justice Response Center at 1-800-421-6770 or (202) 307-1480, or Catherine Pierce, Violence Against Women Grants Office, Office of Justice Programs, at (202) 307-6026.

**SUPPLEMENTARY INFORMATION:** The Final Rule implements a discretionary grant program that does not impose any restrictive regulations on recipients. Grant recipients will benefit from immediate access to the funds available through this program, and it would be contrary to the public interest to delay implementation of the program. Therefore, the Final Rule is effective upon publication.

**Title IV Grants To Encourage Arrest Policies**

For Fiscal Year 1996, Congress authorized a federal discretionary grant program under Title IV of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. No. 1033-22, 108 Stat. 1796, 1902-55, as amended, codified at 42 U.S.C. 3796hh *et seq.* (1994) [hereinafter the "Act"], for States, units of local government, and Indian tribal governments to encourage the

treatment of domestic violence as a serious violation of criminal law. The Act gives the Attorney General and an authorized designee, in this case the Assistant Attorney General for the Office of Justice Programs, the authority to make grants to the above mentioned entities. Omnibus Crime Control and Safe Streets Act of 1968 805, as amended, codified at 42 U.S.C. 3786 [hereinafter the "Omnibus Act"]. Section 2104 of the Omnibus Act, codified as amended at 42 U.S.C. 3796hh-3, requires that regulations be issued specifically to implement these policies and programs.

On May 14, 1996, the Office of Justice Programs published a proposed rule on the implementation of the Grants to Encourage Arrest Policies in the Federal Register (Vol. 61, No. 94, pages 24256-24261). Comments were specifically solicited regarding, but not limited to, the following issues:

- (1) Other priority areas that should be considered for funding in addition to the statutory award priorities identified in Section 90.66 of Subpart D;
- (2) The special needs of Indian tribal governments, underserved populations and rural communities in implementing this Program;
- (3) Effective strategies to ensure that local jurisdictions, States and tribal governments will accord full faith and credit to all valid protection orders pursuant to 18 U.S.C. 2265; and
- (4) Methods and approaches for conducting research on the effectiveness of arrest and other legal sanctions for domestic violence in communities that have adopted a system-wide coordinated response to the problem.

The Office of Justice Programs received 34 letters commenting on the proposed regulations: 12 from law enforcement agencies; 4 from prosecution agencies; 2 from probation agencies; 6 from other Federal, State and local governmental agencies; 1 from an Indian tribal government; 9 from non-profit, non-governmental victim service agencies; 1 from a national organization and 1 from a private citizen. The Office of Justice Programs gratefully acknowledges the agencies, organizations, and individuals who took the time to express their views. Comments are on file at OJP's Violence Against Women Grants Office.

In preparing the Final Rule, OJP is interpreting the scope of the Program as broadly as possible while adhering closely to the letter and spirit of the legislation. Language contained in the final regulations has been modified to reflect the following changes:

- The *Statement of the Problem* has been revised to: (1) emphasize that, in