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S. 1684

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 17, 2009

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

JULY 22, 2010

Reported by Mr. LEAHY, with an amendment

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

A BILL

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

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Managing Arson
3 Through Criminal History (MATCH) Act of 2009”.

4 **SEC. 2. CRIMINAL ARSONIST AND CRIMINAL BOMBER REG-**
5 **ISTRATION AND NOTIFICATION PROGRAM.**

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

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

9 Each jurisdiction shall establish and maintain a ju-
10 risdiction-wide arsonist and bomber registry in ac-
11 cordance with this section.

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

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

17 (1) **IN GENERAL.—**A criminal arsonist or crimi-
18 nal bomber shall register, and shall keep the reg-
19 istration current in accordance with paragraph (3),
20 in each jurisdiction in which the criminal arsonist or
21 criminal bomber resides, is an employee, or is a stu-
22 dent.

23 (2) **INITIAL REGISTRATION.—**A criminal arson-
24 ist or criminal bomber shall initially register—

25 (A) in addition to any jurisdiction de-
26 scribed in paragraph (1), in the jurisdiction in

1 which the criminal arsonist or criminal bomber
2 was convicted; and

3 (B)(i) before completing a sentence of im-
4 prisonment with respect to the arson offense or
5 bombing offense giving rise to the registration
6 requirement; or

7 (ii) not later than 5 business days after
8 being sentenced for the arson offense or bomb-
9 ing offense giving rise to the registration re-
10 quirement, if the criminal arsonist or criminal
11 bomber is not sentenced to a term of imprison-
12 ment.

13 ~~(3) KEEPING THE REGISTRATION CURRENT.—~~

14 (A) IN GENERAL.—Not later than 10 busi-
15 ness days after each change of name, residence,
16 employment, or student status, a criminal ar-
17 sonist or criminal bomber shall appear in per-
18 son in at least 1 jurisdiction described in para-
19 graph (1) and inform the jurisdiction of all
20 changes in the information required for that
21 criminal arsonist or criminal bomber in the ar-
22 sonist and bomber registry involved.

23 (B) PROVISION TO OTHER JURISDIC-
24 TIONS.—A jurisdiction receiving information
25 under subparagraph (A) shall immediately pro-

vide the revised information to all other jurisdictions in which the criminal arsonist or criminal bomber is required to register.

(4) APPLICATION OF REGISTRATION REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in the guidelines established 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 or criminal bomber who was—

(i) convicted of an arson offense or a bombing offense on or after the date of enactment of this Act; and

(ii) notified of the duties and registered in accordance with subsection (f).

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

(i) GUIDELINES.—The Attorney General shall establish guidelines in accordance with this subparagraph for each jurisdiction for—

(I) the application of the requirements of this section to criminal

1 arsonists or criminal bombers con-
2 victed before the date of the enact-
3 ment of this Act, or the date of the
4 implementation of this section in such
5 a jurisdiction; and

6 (H) the registration of any crimi-
7 nal arsonist or criminal bomber de-
8 scribed in subclause (I) who is other-
9 wise unable to comply with paragraph
10 (2)(B).

11 (ii) INFORMATION REQUIRED TO BE
12 INCLUDED IN REGISTRY.—With respect to
13 each criminal arsonist or criminal bomber
14 described in clause (i) convicted of an
15 arson offense or bombing offense during
16 the 10-year period ending on the date of
17 enactment of this Act, the guidelines under
18 clause (i) shall provide for the inclusion in
19 the arsonist and bomber registry of each
20 applicable jurisdiction (and, in accordance
21 with subsection (j), the provision by the ju-
22 risdiction to each entity described in sub-
23 section (j)) of—

1 (I) the name of the criminal ar-
2 sonist or criminal bomber (including
3 any alias used by the individual);

4 (II) the Social Security number
5 of the individual;

6 (III) the most recent known ad-
7 dress of the residence at which the in-
8 dividual has resided;

9 (IV) a physical description of the
10 individual;

11 (V) the text of the provision of
12 law establishing the arson offense or
13 bombing offense giving rise to the
14 duty of the individual to register;

15 (VI) a set of fingerprints and
16 palm prints of the individual;

17 (VII) a photocopy of a valid driv-
18 er's license or identification card
19 issued to the individual by a jurisdic-
20 tion, if available; and

21 (VIII) any other information re-
22 quired by the Attorney General.

23 (iii) NOTICE REQUIRED.—The guide-
24 lines under clause (i) shall require notice
25 to each criminal arsonist or criminal bomb-

er included in an arsonist and bomber 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 1 year for the failure of a criminal arsonist or criminal bomber to comply with the requirements of this section.

(6) AUTHORITY TO EXEMPT CERTAIN INDIVIDUALS FROM REGISTRY REQUIREMENTS.—A jurisdiction may exempt a criminal arsonist or criminal bomber who has been convicted of an arson offense or a bombing offense for the first time from the registration requirements under this section in exchange for the substantial assistance of the individual in the investigation or prosecution of another person who has committed a criminal offense. The Attorney General shall ensure that any regulations promulgated under this section include guidelines establishing criteria regarding when it is appropriate to exempt an individual from the registration requirements under this section.

(c) INFORMATION REQUIRED IN REGISTRATION.—

1 ~~(1) PROVIDED BY ARSONIST OR BOMBER.—A~~
 2 criminal arsonist or criminal bomber shall provide to
 3 the appropriate officer of a jurisdiction in which the
 4 individual is required to register for inclusion in the
 5 arsonist and bomber registry of the jurisdiction—

6 ~~(A) the name of the individual (including~~
 7 any alias used by the individual);

8 ~~(B) the Social Security number of the indi-~~
 9 vidual;

10 ~~(C) the address of each residence at which~~
 11 the individual resides or will reside;

12 ~~(D) the name and address of any place~~
 13 where the individual is an employee or will be
 14 an employee;

15 ~~(E) the name and address of any place~~
 16 where the individual is a student or will be a
 17 student;

18 ~~(F) the license plate number and a descrip-~~
 19 tion of any vehicle owned or operated by the in-
 20 dividual; and

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

23 ~~(2) PROVIDED BY THE JURISDICTION.—The ju-~~
 24 risdiction in which a criminal arsonist or criminal

1 bomber registers shall ensure that the arsonist and
 2 bomber registry of the jurisdiction includes—

3 (A) a physical description of the individual;

4 (B) the text of the provision of law estab-
 5 lishing the arson offense or bombing offense
 6 giving rise to the duty of the individual to reg-
 7 ister;

8 (C) the criminal history of the individual,
 9 including the date of all arrests and convictions,
 10 the status of parole, probation, or supervised
 11 release, registration status, and the existence of
 12 any outstanding arrest warrants for the indi-
 13 vidual;

14 (D) a current photograph of the individual;

15 (E) a set of fingerprints and palm prints
 16 of the individual;

17 (F) a photocopy of a valid driver's license
 18 or identification card issued to the individual by
 19 a jurisdiction; and

20 (G) any other information required by the
 21 Attorney General.

22 (d) DURATION OF REGISTRATION REQUIREMENT;
 23 EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN
 24 JUVENILE CRIMINALS.—

1 ~~(1) DURATION OF REGISTRATION REQUIRE-~~
 2 ~~MENT.—~~A criminal arsonist or criminal bomber shall
 3 keep the registration information provided under
 4 subsection (c) current in accordance with subsection
 5 ~~(b)(3)~~ for the full registration period.

6 ~~(2) EXPUNGING REGISTRIES OF INFORMATION~~
 7 ~~FOR CERTAIN JUVENILE CRIMINALS.—~~

8 ~~(A) IN GENERAL.—~~In the case of a crimi-
 9 nal arsonist or criminal bomber described in
 10 subparagraph (B), a jurisdiction shall expunge
 11 the arson and bomber registry of the jurisdic-
 12 tion of information relating to the criminal ar-
 13 sonist or criminal bomber on the date that is 5
 14 years after the last day of the full registration
 15 period for the criminal arsonist or criminal
 16 bomber.

17 ~~(B) CRIMINAL ARSONIST OR BOMBER DE-~~
 18 ~~SCRIBED.—~~A criminal arsonist or criminal
 19 bomber described in this subparagraph is a
 20 criminal arsonist or criminal bomber who—

21 ~~(i)~~ was a juvenile tried as an adult for
 22 the arson offense or bombing offense giv-
 23 ing rise to the duty of the individual to
 24 register under this section; and

1 (ii) was not convicted of any other fel-
 2 ony during the period beginning on the
 3 first day of the full registration period for
 4 the criminal arsonist or criminal bomber
 5 and ending on the last day of the 5-year
 6 period described in subparagraph (A).

7 (C) APPLICATION TO OTHER DATA-
 8 BASES.—The Attorney General shall establish a
 9 process to ensure that each entity that receives
 10 information under subsection (j) with respect to
 11 a criminal arsonist or criminal bomber de-
 12 scribed in subparagraph (B) shall expunge the
 13 applicable database of the information on the
 14 date that is 5 years after the last day of the full
 15 registration period for the criminal arsonist or
 16 criminal bomber.

17 (e) ANNUAL VERIFICATION.—Not less than once dur-
 18 ing each calendar year during the full registration period,
 19 a criminal arsonist or criminal bomber required to register
 20 under this section shall—

21 (1) appear in person at not less than 1 jurisdic-
 22 tion in which the individual is required to register;
 23 (2) allow the jurisdiction to take a photograph
 24 of the individual; and

1 ~~(3)~~ while present at the jurisdiction, verify the
 2 information in each arsonist and bomber registry in
 3 which the individual is required to be registered.

4 ~~(f) DUTY TO NOTIFY CRIMINAL ARSONISTS AND~~
 5 ~~CRIMINAL BOMBERS OF REGISTRATION REQUIREMENTS~~
 6 ~~AND TO REGISTER.—~~

7 ~~(1) IN GENERAL.—~~An appropriate officer shall,
 8 shortly before release of a criminal arsonist or crimi-
 9 nal bomber from custody, or, if the individual is not
 10 in custody, immediately after the sentencing of the
 11 individual for the arson offense or bombing offense
 12 giving rise to the duty of the individual to register—

13 ~~(A)~~ inform the individual of the duties of
 14 the individual under this section and explain
 15 those duties in a manner that the individual can
 16 understand in light of the native language,
 17 mental capability, and age of the individual;

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

24 ~~(C)~~ if the individual is unable to under-
 25 stand the registration requirements, sign a form

1 stating that the individual is unable to under-
2 stand the registration requirements; and

3 ~~(D)~~ ensure that the individual is registered
4 in accordance with this section.

5 ~~(2) NOTIFICATION OF CRIMINAL ARSONISTS~~
6 ~~AND CRIMINAL BOMBERS WHO CANNOT COMPLY~~
7 ~~WITH PARAGRAPH (1).~~—The Attorney General shall
8 prescribe rules to ensure the notification and reg-
9 istration in accordance with this section of criminal
10 arsonists and criminal bombers who cannot be reg-
11 istered in accordance with paragraph (1).

12 ~~(g) ACCESS TO INFORMATION THROUGH THE INTER-~~
13 ~~NET.~~—

14 ~~(1) IN GENERAL.~~—Except as provided in this
15 subsection, each jurisdiction shall make available on
16 the Internet, in a manner that is readily accessible
17 to law enforcement personnel and fire safety officers
18 located in the jurisdiction, all information about
19 each criminal arsonist and criminal bomber in the
20 arsonist and bomber registry of the jurisdiction.

21 ~~(2) COORDINATION WITH NATIONAL DATA-~~
22 ~~BASE.~~—Each jurisdiction shall—

23 ~~(A)~~ ensure that the Internet site of the ju-
24 risdiction described in paragraph (1) includes
25 all field search capabilities needed for full par-

1 ticipation in the national Internet site estab-
2 lished under subsection (i); and

3 ~~(B) participate in the national Internet site~~
4 ~~established under subsection (i) in accordance~~
5 ~~with regulations promulgated by the Attorney~~
6 ~~General under this section.~~

7 ~~(3) PROHIBITION ON ACCESS BY THE PUB-~~
8 ~~LIC.—Information about a criminal arsonist or~~
9 ~~criminal bomber shall not be made available on the~~
10 ~~Internet to the public under paragraph (1).~~

11 ~~(4) MANDATORY EXEMPTIONS.—A jurisdiction~~
12 ~~shall exempt from disclosure on the Internet site of~~
13 ~~the jurisdiction described in paragraph (1)—~~

14 ~~(A) any information about a criminal ar-~~
15 ~~sonist or criminal bomber involving conviction~~
16 ~~for an offense other than the arson offense or~~
17 ~~bombing offense giving rise to the duty of the~~
18 ~~individual to register;~~

19 ~~(B) if the criminal arsonist or criminal~~
20 ~~bomber is participating in a witness protection~~
21 ~~program, any information about the individual~~
22 ~~the release of which could jeopardize the safety~~
23 ~~of the individual or any other person; and~~

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

4 (5) OPTIONAL EXEMPTIONS.—A jurisdiction
5 may exempt from disclosure on the Internet site of
6 the jurisdiction described in paragraph (1)—

7 (A) the name of an employer of a criminal
8 arsonist or criminal bomber; and

9 (B) the name of an educational institution
10 where a criminal arsonist or criminal bomber is
11 a student.

12 (6) CORRECTION OF ERRORS.—The Attorney
13 General shall establish guidelines to be used by each
14 jurisdiction to establish a process to seek correction
15 of information included in the Internet site of the ju-
16 risdiction described in paragraph (1) if an individual
17 contends the information is erroneous. The guide-
18 lines established under this paragraph shall establish
19 the period, beginning on the date on which an indi-
20 vidual has knowledge of the inclusion of information
21 in the Internet site, during which the individual may
22 seek the correction of the information.

23 (7) WARNING.—An Internet site of a jurisdic-
24 tion described in paragraph (1) shall include a warn-
25 ing that—

1 (A) information on the site is to be used
 2 for law enforcement purposes only and may
 3 only be disclosed in connection with law en-
 4 forcement purposes; and

5 (B) any action in violation of subpara-
 6 graph (A) may result in a civil or criminal pen-
 7 alty.

8 (h) NATIONAL CRIMINAL ARSONIST AND CRIMINAL
 9 BOMBER REGISTRY.—

10 (1) IN GENERAL.—The Attorney General shall
 11 maintain a national database at the Bureau of Alco-
 12 hol, Tobacco, Firearms, and Explosives that includes
 13 relevant information for each criminal arsonist or
 14 criminal bomber (including any information provided
 15 under subsection (j)). The database shall be known
 16 as the National Criminal Arsonist and Criminal
 17 Bomber Registry.

18 (2) ELECTRONIC FORWARDING.—The Attorney
 19 General shall ensure (through the national registry
 20 maintained under this subsection or otherwise) that
 21 updated information about a criminal arsonist or
 22 criminal bomber is immediately transmitted by elec-
 23 tronic forwarding to all relevant jurisdictions.

24 (3) AUTHORIZATION OF APPROPRIATIONS.—
 25 There are authorized to be appropriated to the At-

1 torney General to carry out this subsection such
2 sums as may be necessary for each of fiscal years
3 2010 through 2014.

4 (i) NATIONAL ARSONIST AND BOMBER INTERNET
5 SITE.—

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

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

23 (3) AUTHORIZATION OF APPROPRIATIONS.—
24 There are authorized to be appropriated to the At-
25 torney General to carry out this subsection such

1 sums as may be necessary for each of fiscal years
2 2010 through 2014.

3 ~~(j) NOTIFICATION PROCEDURES.—~~

4 ~~(1) IN GENERAL.—Immediately after a criminal~~
5 ~~arsonist or criminal bomber registers in the arsonist~~
6 ~~and bomber registry of a jurisdiction, or updates a~~
7 ~~registration in the arsonist and bomber registry of~~
8 ~~a jurisdiction, an appropriate officer of the jurisdic-~~
9 ~~tion shall provide the information in the arsonist~~
10 ~~and bomber registry (other than information ex-~~
11 ~~empted from disclosure by this section or the Attor-~~
12 ~~ney General) about the individual to the entities de-~~
13 ~~scribed in paragraph (2).~~

14 ~~(2) ENTITIES.—The entities described in this~~
15 ~~paragraph are—~~

16 ~~(A) the Attorney General;~~

17 ~~(B) appropriate law enforcement agencies~~
18 ~~(including probation agencies, if applicable) in~~
19 ~~each area in which the criminal arsonist or~~
20 ~~criminal bomber resides, is an employee, or is~~
21 ~~a student;~~

22 ~~(C) each jurisdiction in which the criminal~~
23 ~~arsonist or criminal bomber resides, is an em-~~
24 ~~ployee, or is a student; and~~

1 ~~(D)~~ each jurisdiction from or to which a
 2 change of residence, employment, or student
 3 status occurs.

4 ~~(k) ACTIONS TO BE TAKEN WHEN CRIMINAL AR-~~
 5 ~~SONIST OR CRIMINAL BOMBER FAILS TO COMPLY.—~~

6 ~~(1) JURISDICTIONS.—~~An appropriate officer of
 7 a jurisdiction shall—

8 ~~(A)~~ notify the Attorney General and appro-
 9 priate law enforcement agencies if a criminal
 10 arsonist or criminal bomber fails to comply with
 11 the requirements of the arsonist and bomber
 12 registry of the jurisdiction; and

13 ~~(B)~~ revise the arsonist and bomber registry
 14 of the jurisdiction to reflect the nature of the
 15 failure.

16 ~~(2) ENSURING COMPLIANCE.—~~If a criminal ar-
 17 sonist or criminal bomber fails to comply with the
 18 requirements of the arsonist and bomber registry of
 19 a jurisdiction, an appropriate officer of the jurisdic-
 20 tion, the Attorney General, and any law enforcement
 21 agency notified under paragraph ~~(1)(A)~~ shall take
 22 any appropriate action to ensure compliance.

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

1 (1) DUTY TO DEVELOP AND SUPPORT.—In con-
 2 sultation with the jurisdictions, the Attorney General
 3 shall develop and support software to enable juris-
 4 dictions to establish and operate arsonist and bomb-
 5 er registries and Internet sites described in sub-
 6 section (g).

7 (2) CRITERIA.—The software described in para-
 8 graph (1) shall facilitate—

9 (A) immediate exchange of information
 10 among jurisdictions;

11 (B) access over the Internet to appropriate
 12 information, including the number of registered
 13 criminal arsonists or criminal bombers in each
 14 jurisdiction;

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

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

19 (3) DEADLINE.—Not later than 2 years after
 20 the date of enactment of this Act, the Attorney Gen-
 21 eral shall make available to jurisdictions a fully
 22 operational edition of the software described in para-
 23 graph (1).

24 (m) PERIOD FOR IMPLEMENTATION BY JURISDIC-
 25 TIONS.—

1 (1) DEADLINE.—A jurisdiction shall implement
2 this section not later than the later of—

3 (A) 3 years after the date of enactment of
4 this Act; or

5 (B) 1 year after the date on which the
6 software described in subsection (1) is made
7 available to the jurisdiction.

8 (2) EXTENSIONS.—The Attorney General may
9 make not more than 2 1-year extensions of the dead-
10 line under paragraph (1) for a jurisdiction.

11 (3) FAILURE OF JURISDICTION TO COMPLY.—
12 For any fiscal year after the expiration of the dead-
13 line specified in paragraph (1) (including any exten-
14 sion under paragraph (2)), that a jurisdiction fails
15 to substantially implement this section, as deter-
16 mined by the Attorney General, the jurisdiction shall
17 not receive 10 percent of the funds that would other-
18 wise be allocated for that fiscal year to the jurisdic-
19 tion under subpart 1 of part E of title I of the Om-
20 nibus Crime Control and Safe Streets Act of 1968
21 (42 U.S.C. 3750 et seq.).

22 (n) ELECTION BY INDIAN TRIBES.—

23 (1) ELECTION.—

24 (A) IN GENERAL.—A federally recognized
25 Indian tribe may, by resolution or other enact-

ment of the tribal council or comparable governmental body, elect to carry out this section as a jurisdiction subject to its provisions.

(B) IMPLEMENTATION.—A federally recognized Indian tribe that, as of the date that is 1 year after the date of enactment of this Act, has not made an election described in subparagraph (A) 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 section until such time as the tribe elects to carry out this section.

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

(A) NONDUPLICATION.—A federally recognized Indian tribe subject to this section is not required to duplicate functions under this section that are fully carried out by 1 or more jurisdictions within which the territory of the tribe is located.

(B) COOPERATIVE AGREEMENTS.—A federally recognized Indian tribe, through cooperative agreements with 1 or more jurisdictions

1 within which the territory of the tribe is lo-
 2 cated, may—

3 (i) arrange for the tribe to carry out
 4 any function of the jurisdiction under this
 5 section with respect to criminal arsonists
 6 or criminal bombers subject to the jurisdic-
 7 tion of the tribe; and

8 (ii) arrange for the jurisdiction to
 9 carry out any function of the tribe under
 10 this section with respect to criminal
 11 arsonists and criminal bombers subject to
 12 the jurisdiction of the tribe.

13 (3) LAW ENFORCEMENT AUTHORITY IN INDIAN
 14 COUNTRY.—Enforcement of this section in Indian
 15 country, as defined in section 1151 of title 18,
 16 United States Code, shall be carried out by the Fed-
 17 eral Government, tribal governments, and State gov-
 18 ernments under jurisdictional authorities in effect on
 19 the date of enactment of this Act.

20 (6) IMMUNITY FOR GOOD FAITH CONDUCT.—The
 21 Federal Government, a jurisdiction, a political subdivision
 22 of a jurisdiction, and an agency, officer, employee, and
 23 agent of the Federal Government, a jurisdiction, or a polit-
 24 ical subdivision of a jurisdiction shall not be held liable

1 in any Federal or State court for any good faith conduct
 2 to carry out this section.

3 ~~(p) CRIMINAL ARSONIST AND CRIMINAL BOMBER~~
 4 ~~MANAGEMENT ASSISTANCE PROGRAM.—~~

5 (1) IN GENERAL.—The Attorney General shall
 6 establish and implement a Criminal Arsonist and
 7 Bomber Management Assistance program (in this
 8 subsection referred to as the “Assistance Program”),
 9 under which the Attorney General may make grants
 10 to jurisdictions to offset the costs of implementing
 11 this section.

12 ~~(2) APPLICATION.—~~A jurisdiction desiring a
 13 grant under this subsection for a fiscal year shall
 14 submit to the Attorney General an application in
 15 such form and containing such information as the
 16 Attorney General may require.

17 ~~(3) INCREASED GRANT PAYMENTS FOR PROMPT~~
 18 ~~COMPLIANCE.—~~

19 ~~(A) IN GENERAL.—~~A jurisdiction that, as
 20 determined by the Attorney General, has sub-
 21 stantially implemented this section not later
 22 than 2 years after the date of enactment of this
 23 Act is eligible for a bonus payment in addition
 24 to the amount of a grant to the jurisdiction
 25 under paragraph (1). The Attorney General

1 may make a bonus payment to a jurisdiction for
2 the first fiscal year beginning after the date on
3 which the Attorney General determines the ju-
4 risdiction has substantially implemented this
5 section.

6 (B) AMOUNT.—A bonus payment under
7 this paragraph shall be—

8 (i) if the Attorney General determines
9 that the jurisdiction has substantially im-
10 plemented this section not later than the
11 date that is 1 year after the date of enact-
12 ment of this Act, in an amount equal to 10
13 percent of the amount of a grant to the ju-
14 risdiction under paragraph (1) for the fis-
15 cal year in which the bonus payment is
16 made; and

17 (ii) if the Attorney General determines
18 that the jurisdiction has substantially im-
19 plemented this section after the date that
20 is 1 year after the date of the enactment
21 of this Act, and not later than 2 years
22 after the date of enactment of this Act, in
23 an amount equal to 5 percent of the
24 amount of a grant to the jurisdiction under

paragraph (1) for the fiscal year in which
the bonus payment is made.

~~(4) AUTHORIZATION OF APPROPRIATIONS.—~~

There are authorized to be appropriated to the Attorney General to carry out this subsection such sums as may be necessary for each of fiscal years 2010 through 2014.

~~(q) DEFINITIONS.—~~In this section:

~~(1) ARSONIST AND BOMBER REGISTRY.—~~The term “arsonist and bomber registry” means a registry of criminal arsonists and criminal bombers, and a notification program, maintained by a jurisdiction under this section.

~~(2) ARSON OFFENSE.—~~The term “arson offense” means any criminal offense for committing arson, attempting arson, or conspiracy to commit arson in violation of the laws of the jurisdiction in which the offense was committed or the laws of the United States.

~~(3) BOMBING OFFENSE.—~~The term “bombing offense” means any criminal offense for committing a bombing, attempting a bombing, or conspiracy to commit a bombing in violation of the laws of the jurisdiction in which the offense was committed or the laws of the United States.

1 (4) CRIMINAL ARSONIST.—The term “criminal
2 arsonist”—

3 (A) means an individual who is convicted
4 of an arson offense; and

5 (B) does not include a juvenile who is con-
6 victed of an arson offense unless the juvenile
7 was tried as an adult for the arson offense.

8 (5) CRIMINAL BOMBER.—The term “criminal
9 bomber”—

10 (A) means an individual who is convicted
11 of a bombing offense; and

12 (B) does not include a juvenile who is con-
13 victed of a bombing offense unless the juvenile
14 was tried as an adult for the bombing offense.

15 (6) CRIMINAL OFFENSE.—The term “criminal
16 offense” means a Federal, State, local, tribal, for-
17 eign, or military offense (to the extent specified by
18 the Secretary of Defense under section
19 115(a)(8)(C)(i) of the Departments of Commerce,
20 Justice, and State, the Judiciary, and Related Agen-
21 cies Appropriations Act, 1998 (Public Law 105–119;
22 10 U.S.C. 951 note)) or other criminal offense.

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

1 (8) FIRE SAFETY OFFICER.—The term “fire
2 safety officer” means an individual serving in an of-
3 ficial capacity as a firefighter, fire investigator, or
4 other arson investigator, as defined by the jurisdic-
5 tion for the purposes of this section.

6 (9) FULL REGISTRATION PERIOD.—

7 (A) IN GENERAL.—The term “full reg-
8 istration period” means the period—

9 (i) beginning on the later of—

10 (I) the date on which an indi-
11 vidual is convicted of an arson offense
12 or bombing offense;

13 (II) the date on which an indi-
14 vidual is released from custody for
15 conviction of an arson offense or
16 bombing offense; or

17 (III) the date on which an indi-
18 vidual is placed on parole, supervised
19 release, or probation for an arson of-
20 fense or bombing offense; and

21 (ii) ending—

22 (I) for an individual who has
23 been convicted of an arson offense or
24 bombing offense for the first time, 5

1 years after the date described in
2 clause (i);

3 (H) for an individual who has
4 been convicted of an arson offense or
5 bombing offense for the second time;
6 10 years after the date described in
7 clause (i); and

8 (III) for an individual who has
9 been convicted of an arson offense or
10 bombing offense more than twice, on
11 the date on which the individual dies.

12 (B) EXCLUSION OF TIME IN CUSTODY.—
13 Any period during which an individual is in cus-
14 tody shall not be included in determining the
15 end of the period under subparagraph (A).

16 (10) JURISDICTION.—The term “jurisdiction”
17 means—

18 (A) a State;
19 (B) the District of Columbia;
20 (C) the Commonwealth of Puerto Rico;
21 (D) Guam;
22 (E) American Samoa;
23 (F) the Commonwealth of the Northern
24 Mariana Islands;
25 (G) the Virgin Islands; and

1 (H) to the extent provided in and subject
 2 to the requirements of subsection (o), a feder-
 3 ally recognized Indian tribe.

4 (11) LAW ENFORCEMENT OFFICER.—The term
 5 “law enforcement officer” has the meaning given
 6 that term in section 1204 of the Omnibus Crime
 7 Control and Safe Street Act of 1968 (42 U.S.C.
 8 3796b).

9 (12) RESIDES.—The term “resides” means the
 10 location of the home of an individual or other place
 11 where an individual habitually lives.

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

17 **SECTION 1. SHORT TITLE.**

18 *This Act may be cited as the “Managing Arson*
 19 *Through Criminal History (MATCH) Act of 2010”.*

20 **SEC. 2. CRIMINAL ARSONIST AND CRIMINAL BOMBER REG-**
 21 **ISTRATION AND NOTIFICATION PROGRAM.**

22 (a) DEFINITIONS.—For purposes of this section:

23 (1) CRIMINAL ARSONIST.—The term “criminal
 24 arsonist” means an individual who is convicted of
 25 any criminal offense for committing arson, attempt-

1 *ing arson, or conspiracy to commit arson in violation*
2 *of the laws of the jurisdiction in which such offense*
3 *was committed or the United States. Such term shall*
4 *not include a juvenile who is convicted of such an of-*
5 *fense unless such juvenile was tried as an adult for*
6 *such offense.*

7 (2) *CRIMINAL BOMBER.*—*The term “criminal*
8 *bomber” means an individual who is convicted of any*
9 *criminal offense for committing a bombing, attempt-*
10 *ing a bombing, or conspiracy to commit a bombing*
11 *in violation of the laws of the jurisdiction in which*
12 *such offense was committed or the United States.*
13 *Such term shall not include a juvenile who is con-*
14 *victed of such an offense unless such juvenile was*
15 *tried as an adult for such offense.*

16 (3) *CRIMINAL OFFENSE.*—*The term “criminal of-*
17 *fense” means a Federal, State, local, tribal, foreign,*
18 *or military offense (to the extent specified by the Sec-*
19 *retary of Defense under section 115(a)(8)(C)(i) of*
20 *Public Law 105–119 (10 U.S.C. 951 note)) or other*
21 *criminal offense.*

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

1 (5) *FIRE SAFETY OFFICER.*—*The term “fire safe-*
 2 *ty officer” means an individual serving in an official*
 3 *capacity as a fire investigator, or other arson or*
 4 *bomber investigator, as defined by the jurisdiction for*
 5 *the purposes of this section.*

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

8 (A) *A State.*

9 (B) *The District of Columbia.*

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

11 (D) *Guam.*

12 (E) *American Samoa.*

13 (F) *The Northern Mariana Islands.*

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

15 (H) *To the extent provided and subject to*
 16 *the requirements of subsection (k), a federally*
 17 *recognized Indian tribe.*

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

22 (8) *NATIONAL REGISTRY.*—*The term “National*
 23 *Registry” means the National Criminal Arsonist and*
 24 *Criminal Bomber Registry established under sub-*
 25 *section (b)(1).*

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

5 (10) *STUDENT*.—*The term “student” means an*
 6 *individual who enrolls in or attends an educational*
 7 *institution (whether public or private), including a*
 8 *secondary school, trade or professional school, and in-*
 9 *stitution of higher education.*

10 (b) *NATIONAL CRIMINAL ARSONIST AND CRIMINAL*
 11 *BOMBER REGISTRY AND INTERNET SITE*.—

12 (1) *NATIONAL CRIMINAL ARSONIST AND CRIMI-*
 13 *NAL BOMBER REGISTRY*.—

14 (A) *IN GENERAL*.—*The Attorney General*
 15 *shall maintain a national database at the Bu-*
 16 *reau of Alcohol, Tobacco, Firearms and Explo-*
 17 *sives for each criminal arsonist or criminal*
 18 *bomber. The database shall be known as the “Na-*
 19 *tional Criminal Arsonist and Criminal Bomber*
 20 *Registry”. Such registry shall be used for law en-*
 21 *forcement purposes only and information main-*
 22 *tained in such registry may only be disclosed in*
 23 *connection with such purposes.*

24 (B) *ELECTRONIC FORWARDING*.—*The Attor-*
 25 *ney General shall ensure (through the National*

Registry or otherwise) that updated information about a criminal arsonist or criminal bomber is immediately available to all relevant jurisdictions.

(C) NOTIFICATION TO JURISDICTIONS.—The Attorney General shall provide notification to a jurisdiction in which the offender resides or will reside, is an employee, or is a student. Immediately after the Attorney General receives information (or updated information) under this section from a jurisdiction for inclusion in the National Registry, with respect to a criminal arsonist or criminal bomber, the Attorney General shall ensure that such information (or updated information), other than any information exempted from disclosure by the Attorney General, is provided to each jurisdiction in which the offender resides or will reside, is an employee, or is a student.

(2) NATIONAL ARSONIST AND BOMBER INTERNET SITE.—

(A) IN GENERAL.—The Attorney General shall establish and maintain a national arsonist and bomber Internet site. The Internet site shall include relevant information for each criminal

1 *arsonist or criminal bomber. The Internet site*
2 *shall allow law enforcement officers and fire safe-*
3 *ty officers to obtain relevant information for*
4 *each criminal arsonist or criminal bomber by a*
5 *single query for any given zip code or geo-*
6 *graphical radius set by the user in a form and*
7 *with such limitations as may be established by*
8 *the Attorney General and shall have such other*
9 *field search capabilities as the Attorney General*
10 *may provide.*

11 (B) *USE FOR LAW ENFORCEMENT PUR-*
12 *POSES ONLY.—The Internet site established*
13 *under subparagraph (1) shall include a warning*
14 *that information on the site is to be used for law*
15 *enforcement purposes only and may only be dis-*
16 *closed in connection with such purposes. The*
17 *warning shall note that any action in violation*
18 *of the previous sentence may result in a civil or*
19 *criminal penalty.*

20 (C) *EXEMPTIONS FROM DISCLOSURE.—The*
21 *Attorney General may exempt from disclosure on*
22 *the Internet site established under this para-*
23 *graph such information as the Attorney General*
24 *deems appropriate.*

1 (3) *PROHIBITION ON ACCESS BY THE PUBLIC.*—
 2 *Information about a criminal arsonist or criminal*
 3 *bomber shall not be made available under paragraph*
 4 *(1) or (2) to the public.*

5 (4) *CORRECTION OF ERRORS.*—*The Attorney*
 6 *General shall establish guidelines for a process to seek*
 7 *correction of information included in the national*
 8 *database under paragraph (1) or the Internet site*
 9 *under paragraph (2) in the case that an individual*
 10 *contends such information is erroneous. Such guide-*
 11 *lines shall provide for an adequate period for the in-*
 12 *dividual to seek such correction of information.*

13 (5) *FUNDING.*—*For fiscal year 2011 and each*
 14 *fiscal year thereafter, amounts made available for the*
 15 *appropriations account appropriated under the head-*
 16 *ing “SALARIES AND EXPENSES” under the heading*
 17 *“BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND*
 18 *EXPLOSIVES ” are authorized to be used to carry out*
 19 *this subsection.*

20 (c) *REGISTRY REQUIREMENTS FOR JURISDICTIONS.*—

21 (1) *JURISDICTION TO PARTICIPATE IN NATIONAL*
 22 *REGISTRY.*—*Each jurisdiction shall participate in the*
 23 *National Registry by providing information, with re-*
 24 *spect to criminal arsonists and criminal bombers, to*
 25 *the National Registry in accordance with this section.*

1 *Such information, with respect to a criminal arsonist*
 2 *or criminal bomber, shall be provided by a jurisdic-*
 3 *tion—*

4 *(A) to the Attorney General for inclusion in*
 5 *the National Registry immediately after the*
 6 *criminal arsonist or criminal bomber provides*
 7 *information (or provides updated information),*
 8 *other than information exempted from disclosure*
 9 *by the Attorney General, to the jurisdiction*
 10 *under this section; and*

11 *(B) in an electronic format as specified by*
 12 *the Attorney General.*

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

16 *(d) REGISTRY REQUIREMENTS FOR CRIMINAL*
 17 *ARSONISTS AND BOMBERS.—*

18 *(1) IN GENERAL.—A criminal arsonist or crimi-*
 19 *nal bomber shall provide information described in*
 20 *subsection (e)(1) to (and shall keep such information*
 21 *current with) each jurisdiction where the criminal ar-*
 22 *sonist or criminal bomber resides, where the criminal*
 23 *arsonist or criminal bomber is an employee, and*
 24 *where the criminal arsonist or criminal bomber is a*
 25 *student. For the initial provision of information only,*

1 *a criminal arsonist or criminal bomber shall also*
 2 *provide such information to the jurisdiction in which*
 3 *the arsonist or bomber was convicted if such jurisdic-*
 4 *tion is different from the jurisdiction of residence.*

5 (2) *INITIAL REGISTRATION.—The criminal ar-*
 6 *sonist or criminal bomber shall initially provide in-*
 7 *formation described in subsection (e)(1)—*

8 (A) *before completing a sentence of impris-*
 9 *onment with respect to the offense giving rise to*
 10 *the registration requirement; or*

11 (B) *not later than 5 business days after*
 12 *being sentenced for that offense, if the criminal*
 13 *arsonist or criminal bomber is not sentenced to*
 14 *a term of imprisonment.*

15 (3) *KEEPING THE REGISTRATION CURRENT.—A*
 16 *criminal arsonist or criminal bomber shall, not later*
 17 *than 10 business days after each change of name, resi-*
 18 *dence, employment, or student status, appear in per-*
 19 *son in not less than 1 jurisdiction described para-*
 20 *graph (1) and inform that jurisdiction of all changes*
 21 *in the information required for that criminal arsonist*
 22 *or criminal bomber for purposes of inclusion in the*
 23 *National Registry. That jurisdiction shall imme-*
 24 *diately provide the revised information to the Na-*
 25 *tional Registry.*

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

3 (A) *OFFENDER REGISTRATION REQUIRE-*
 4 *MENTS APPLICABLE ONLY PROSPECTIVELY AND*
 5 *WITH NOTIFICATION.—A criminal arsonist or*
 6 *criminal bomber is required to provide informa-*
 7 *tion to a jurisdiction, and to keep such informa-*
 8 *tion current, under this section for inclusion in*
 9 *the National Registry only to the extent—*

10 (i) *that such criminal arsonist or*
 11 *criminal bomber—*

12 (I) *was convicted of a criminal of-*
 13 *fense involving arson or bombing on or*
 14 *after the date of the enactment of this*
 15 *Act; and*

16 (II) *was notified of such require-*
 17 *ments in accordance with subsection*
 18 *(h); and*

19 (ii) *the jurisdiction involved partici-*
 20 *pates in the National Registry.*

21 (B) *JURISDICTION OF CONVICTION RE-*
 22 *QUIRED TO SUBMIT INFORMATION ON OFFEND-*
 23 *ERS CONVICTED BEFORE DATE OF ENACTMENT*
 24 *AND ON THOSE NOT NOTIFIED.—*

1 (i) *GUIDELINES.*—*The Attorney Gen-*
 2 *eral shall establish guidelines, in accordance*
 3 *with the provisions of this subparagraph,*
 4 *under which each jurisdiction is required to*
 5 *provide to the National Registry informa-*
 6 *tion described in subsection (e)(2) with re-*
 7 *spect to—*

8 (I) *each criminal arsonist or*
 9 *criminal bomber who was convicted in*
 10 *such jurisdiction of a criminal offense*
 11 *involving arson or bombing during the*
 12 *10-year period ending on the date of*
 13 *the enactment of this Act; and*

14 (II) *each criminal arsonist or*
 15 *criminal bomber who was convicted on*
 16 *or after the date of the enactment of the*
 17 *Act in such jurisdiction of such an of-*
 18 *fense and who has not been notified, in*
 19 *accordance with subsection (h), of the*
 20 *requirements to provide information,*
 21 *and to keep such information current,*
 22 *under this section.*

23 (ii) *NOTICE REQUIRED.*—*Under the*
 24 *guidelines established under clause (i), a ju-*
 25 *risdiction shall be required to provide notice*

1 to each criminal arsonist or criminal bomb-
2 er included in the National Registry pursu-
3 ant to this subparagraph of such inclusion.

4 (5) *ACTIONS TO BE TAKEN WHEN CRIMINAL AR-*
5 *SONIST OR CRIMINAL BOMBER FAILS TO COMPLY.*—An
6 appropriate official of each jurisdiction shall notify
7 the Attorney General and appropriate law enforce-
8 ment agencies of any failure by a criminal arsonist
9 or criminal bomber to provide information, and keep
10 such information current, under this section. The At-
11 torney General shall revise the National Registry to
12 reflect the nature of such failure. The appropriate of-
13 ficial, the Attorney General, and each law enforce-
14 ment agency involved shall take any appropriate ac-
15 tion to ensure compliance.

16 (6) *AUTHORITY TO EXEMPT CERTAIN PERSONS*
17 *FROM REGISTRY REQUIREMENTS.*—A jurisdiction
18 shall have the authority to exempt a criminal arsonist
19 or criminal bomber who has been convicted of the of-
20 fense of arson or bombing in violation of the laws of
21 the jurisdiction in which the offense was committed or
22 the United States for the first time from the require-
23 ments to provide information, and keep such informa-
24 tion current, under this section in exchange for the
25 person's substantial assistance in the investigation or

1 *prosecution of another person who has committed an*
 2 *offense. The Attorney General shall ensure that any*
 3 *regulations promulgated under this section include*
 4 *guidelines that reflect the general appropriateness of*
 5 *exempting the person from the requirements of pro-*
 6 *viding information, and keeping such information*
 7 *current, under this section.*

8 *(e) INFORMATION REQUIRED FOR INCLUSION IN NA-*
 9 *TIONAL REGISTRY.—*

10 *(1) PROSPECTIVE CONVICTIONS WITH NOTIFICA-*
 11 *TION.—*

12 *(A) PROVIDED BY ARSONIST OR BOMBER.—*

13 *A criminal arsonist or criminal bomber con-*
 14 *victed of a criminal offense involving arson or*
 15 *bombing on or after the date of the enactment of*
 16 *this Act shall provide the following information*
 17 *to the appropriate official of the jurisdiction in-*
 18 *volved for inclusion in the National Registry:*

19 *(i) The name of the person (including*
 20 *any alias used by the person).*

21 *(ii) The Social Security number of the*
 22 *person.*

23 *(iii) The address of each residence at*
 24 *which the person resides or will reside.*

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

4 (v) *The name and address of any place*
5 *where the person is a student or will be a*
6 *student.*

7 (vi) *The license plate number and a*
8 *description of any vehicle owned or operated*
9 *by the person.*

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

12 (B) *PROVIDED BY THE JURISDICTION.—The*
13 *jurisdiction to which a criminal arsonist or*
14 *criminal bomber described in subparagraph (A)*
15 *provides information shall ensure that the fol-*
16 *lowing information, with respect to such arsonist*
17 *or bomber, is provided to the National Registry:*

18 (i) *The information described in sub-*
19 *paragraph (A), as provided by the arsonist*
20 *or bomber.*

21 (ii) *A physical description of the per-*
22 *son.*

23 (iii) *The text of the provision of law*
24 *defining the criminal offense for which the*

1 *person is required to be registered under*
 2 *this section.*

3 *(iv) A current photograph of the per-*
 4 *son.*

5 *(v) A set of fingerprints and palm*
 6 *prints of the person.*

7 *(vi) A photocopy of a valid driver's li-*
 8 *cense or identification card issued to the*
 9 *person by a jurisdiction.*

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

12 *(2) PROVIDED BY JURISDICTION OF CONVICTIONS*
 13 *IN CASE OF CONVICTIONS BEFORE DATE OF ENACT-*
 14 *MENT AND FAILURES TO NOTIFY.—Each jurisdiction*
 15 *in which a criminal arsonist or criminal bomber de-*
 16 *scribed in subclause (I) or (II) of subsection*
 17 *(d)(4)(B)(i) was convicted shall ensure that the fol-*
 18 *lowing information is provided to the National Reg-*
 19 *istry:*

20 *(A) The name of the criminal arsonist or*
 21 *criminal bomber (including any alias used by*
 22 *the person).*

23 *(B) The Social Security number of the per-*
 24 *son.*

1 (C) *The most recent known address of the*
 2 *residence at which the person has resided.*

3 (D) *A physical description of the person.*

4 (E) *The text of the provision of law defining*
 5 *the criminal offense for which the person is con-*
 6 *victed.*

7 (F) *A set of fingerprints and palm prints of*
 8 *the person, if available to the jurisdiction.*

9 (G) *A photocopy of a valid driver's license*
 10 *or identification card issued to the person by a*
 11 *jurisdiction, if available.*

12 (H) *Any other information required by the*
 13 *Attorney General.*

14 (f) *DURATION OF REGISTRATION REQUIREMENT;*
 15 *EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN*
 16 *JUVENILE CRIMINALS.—*

17 (1) *DURATION OF REGISTRATION REQUIRE-*
 18 *MENT.—A criminal arsonist or criminal bomber shall*
 19 *keep the registration information provided under sub-*
 20 *section (e)(1)(A) current for the full registration pe-*
 21 *riod (excluding any time the person is in custody).*
 22 *For purposes of this subsection, the full registration*
 23 *period—*

24 (A) *shall commence on the later of the date*
 25 *on which the person is convicted of an offense of*

arson or bombing in violation of the laws of the jurisdiction in which the offense was committed or the United States, the date on which the person is released from prison for such conviction, or the date on which the person is placed on parole, supervised release, or probation for such conviction; and

(B) shall be—

(i) 5 years for a person who has been convicted of such an offense for the first time;

(ii) 10 years for a person who has been convicted of such an offense for the second time; and

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

(2) *EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN JUVENILE CRIMINALS.*—

(A) *IN GENERAL.*—In the case of a criminal arsonist or criminal bomber described in subparagraph (B), the Attorney General shall expunge the National Registry of information related to such criminal arsonist or criminal bomber as of the date that is 5 years after the

1 *last day of the applicable full registration period*
 2 *under paragraph (1).*

3 (B) *CRIMINAL ARSONIST OR CRIMINAL*
 4 *BOMBER DESCRIBED.—For purposes of subpara-*
 5 *graph (A), a criminal arsonist or criminal*
 6 *bomber described in this subparagraph is a*
 7 *criminal arsonist or criminal bomber who—*

8 (i) *was a juvenile tried as an adult for*
 9 *the offense giving rise to the duty to register*
 10 *under this section; and*

11 (ii) *was not convicted of any other*
 12 *criminal felony during the period beginning*
 13 *on the first day of the applicable full reg-*
 14 *istration period under paragraph (1) and*
 15 *ending on the last day of the 5-year period*
 16 *described in subparagraph (A).*

17 (C) *APPLICATION TO OTHER DATABASES.—*
 18 *The Attorney General shall establish a process to*
 19 *ensure that each entity that receives information*
 20 *under subsection (i) with respect to a criminal*
 21 *arsonist or criminal bomber described in sub-*
 22 *paragraph (B) shall expunge the applicable*
 23 *database of such information as of the date that*
 24 *is 5 years after the last day of the applicable full*
 25 *registration period under paragraph (1).*

1 (g) *ANNUAL VERIFICATION.*—Not less than once in
 2 each calendar year during the full registration period, a
 3 criminal arsonist or criminal bomber required to provide
 4 information to a jurisdiction under this section shall—

5 (1) appear in person at not less than 1 such ju-
 6 risdiction;

7 (2) allow such jurisdiction to take a current pho-
 8 tograph of the person; and

9 (3) while present at such jurisdiction, verify the
 10 information contained in the National Registry for
 11 such person.

12 (h) *DUTY TO NOTIFY CRIMINAL ARSONISTS AND*
 13 *CRIMINAL BOMBERS OF REGISTRATION REQUIREMENTS*
 14 *AND TO REGISTER.*—

15 (1) *IN GENERAL.*—An appropriate official shall,
 16 shortly before release of a criminal arsonist or crimi-
 17 nal bomber from custody, or, if the person is not in
 18 custody, immediately after the sentencing of the per-
 19 son for the offense giving rise to the duty to register
 20 under this section—

21 (A) inform the person of the duties of the
 22 person under this section and explain those du-
 23 ties in a manner that the person can understand
 24 in light of the native language, mental capa-
 25 bility, and age of the person;

1 (B) ensure that the person understands the
 2 registration requirement, and if so, require the
 3 person to read and sign a form stating that the
 4 duty to register has been explained and that the
 5 person understands the registration requirement;

6 (C) if the person is unable to understand
 7 the registration requirements, the official shall
 8 sign a form stating that the person is unable to
 9 understand the registration requirements; and

10 (D) ensure that the person is registered.

11 (2) NOTIFICATION OF CRIMINAL ARSONISTS AND
 12 CRIMINAL BOMBERS WHO CANNOT COMPLY WITH
 13 PARAGRAPH (1).—The Attorney General shall pre-
 14 scribe rules to ensure the notification and registration
 15 of criminal arsonists and criminal bombers in ac-
 16 cordance with paragraph (1) who cannot be notified
 17 and registered at the time set forth in paragraph (1).

18 (i) DEVELOPMENT AND AVAILABILITY OF REGISTRY
 19 MANAGEMENT AND WEBSITE SOFTWARE.—

20 (1) DUTY TO DEVELOP AND SUPPORT.—The At-
 21 torney General shall develop and support software to
 22 enable jurisdictions to participate in the National
 23 Registry and the national Internet site established
 24 under subsection (b)(2).

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

3 (A) *immediate exchange of information*
 4 *among jurisdictions through the national Inter-*
 5 *net site established under subsection (b)(2);*

6 (B) *access over the Internet by authorized*
 7 *persons to appropriate information, including*
 8 *the number of registered criminal arsonists or*
 9 *criminal bombers in each jurisdiction on a cur-*
 10 *rent basis; and*

11 (C) *full compliance with the requirements of*
 12 *this section.*

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

17 (j) *PERIOD FOR IMPLEMENTATION BY JURISDIC-*
 18 *TIONS.*—

19 (1) *DEADLINE.*—*To be in compliance with this*
 20 *section, a jurisdiction shall participate in the Na-*
 21 *tional Registry in accordance with this section before*
 22 *the later of—*

23 (A) *3 years after the date of the enactment*
 24 *of this Act; or*

1 (B) 1 year after the date on which the soft-
 2 ware described in subsection (i) is made avail-
 3 able to such jurisdiction.

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

7 (k) *ELECTION BY INDIAN TRIBES.*—

8 (1) *ELECTION.*—

9 (A) *IN GENERAL.*—*A federally recognized*
 10 *Indian tribe may, by resolution or other enact-*
 11 *ment of the tribal council or comparable govern-*
 12 *mental body, elect to carry out this section as a*
 13 *jurisdiction subject to its provisions.*

14 (B) *IMPLEMENTATION.*—*If a tribe does not,*
 15 *within 1 year of the enactment of this Act, make*
 16 *an election to take on these duties, it shall, by*
 17 *resolution or other enactment of the tribal coun-*
 18 *cil or comparable governmental body, enter into*
 19 *a cooperative agreement to arrange for a juris-*
 20 *diction to carry out any function of the tribe*
 21 *under this section until such time as the tribe*
 22 *elects to carry out this section.*

23 (2) *COOPERATION BETWEEN TRIBAL AUTHORI-*
 24 *TIES AND OTHER JURISDICTIONS.*—

1 (A) *NONDUPLICATION.*—A tribe subject to
 2 this section is not required to duplicate functions
 3 under this section which are fully carried out by
 4 another jurisdiction or jurisdictions within
 5 which the territory of the tribe is located.

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

9 (i) arrange for the tribe to carry out
 10 any function of such a jurisdiction under
 11 this section with respect to criminal
 12 arsonists or criminal bombers subject to the
 13 tribe’s jurisdiction; and

14 (ii) arrange for such a jurisdiction to
 15 carry out any function of the tribe under
 16 this section with respect to criminal
 17 arsonists and criminal bombers subject to
 18 the tribe’s jurisdiction.

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

1 *(l) IMMUNITY FOR GOOD FAITH CONDUCT.—The Fed-*
 2 *eral Government, jurisdictions, political subdivisions of ju-*
 3 *risdictions, and their agencies, officers, employees, and*
 4 *agents shall be immune from liability for good faith conduct*
 5 *under this section.*

6 *(m) CRIMINAL ARSONIST AND CRIMINAL BOMBER*
 7 *MANAGEMENT ASSISTANCE PROGRAM.—Section 106(b)(1)*
 8 *of the Brady Handgun Violence Prevention Act (18 U.S.C.*
 9 *922 note) is amended—*

10 *(1) by redesignating subparagraphs (B) and (C)*
 11 *as subparagraphs (C) and (D), respectively; and*

12 *(2) by inserting after subparagraph (A) the fol-*
 13 *lowing:*

14 *“(B) to assist the State in implementing the*
 15 *Managing Arson Through Criminal History*
 16 *(MATCH) Act of 2010;”.*

Calendar No. 481

11TH CONGRESS
2^D Session

S. 1684

A BILL

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

JULY 22, 2010

Reported with an amendment