

111TH CONGRESS
2D SESSION

S. 3120

To encourage the entry of felony warrants into the National Crime Information Center database by States and provide additional resources for extradition.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2010

Mr. SPECTER (for himself and Mr. DURBIN) introduced the following bill;
which was read twice and referred to the Committee on the Judiciary

A BILL

To encourage the entry of felony warrants into the National Crime Information Center database by States and provide additional resources for extradition.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fugitive Information
5 Networked Database Act of 2010” or the “FIND Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Nationwide, there are an estimated
2 2,700,000 active Federal, State, and local warrants
3 for the arrest of persons charged with felony crimes.

4 (2) State and local law enforcement authorities
5 have insufficient resources to devote to searching for
6 and apprehending fugitives. As a result, large num-
7 bers of fugitives evade arrest. State and local law
8 enforcement authorities also lack resources for ex-
9 traditing fugitives who have been arrested in other
10 States. As a result, such fugitives frequently are re-
11 leased without prosecution.

12 (3) Increasing the resources available for con-
13 ducting fugitive investigations and transporting fugi-
14 tives between States would increase the number of
15 fugitives who are arrested and prosecuted.

16 (4) The United States Marshals Service (re-
17 ferred to in this Act as the “USMS”) plays an inte-
18 gral role in the apprehension of fugitives in the
19 United States, and has a long history of providing
20 assistance and expertise to Federal, State, and local
21 law enforcement agencies in support of fugitive in-
22 vestigations, including through 82 District Task
23 Forces, and through the 7 Regional Fugitive Task
24 Force Programs that have partnered with Federal,

1 State and local law enforcement agencies to locate
2 and apprehend fugitives.

3 (5) The USMS utilizes the Justice Prisoner and
4 Alien Transportation Service (referred to in this Act
5 as the “JPATS”) to transport Federal detainees
6 and prisoners. It also makes JPATS available to
7 State and local law enforcement agencies on a reim-
8 bursable, space-available basis for the purpose of
9 transporting a fugitive from the place where the fu-
10 gitive was arrested to the jurisdiction that issued the
11 warrant for the arrest of the fugitive. Through
12 JPATS, these agencies are able to reduce the cost
13 of extradition significantly.

14 (6) Expanding the availability of JPATS to
15 State and local law enforcement agencies would
16 lower the cost of transporting fugitives for extra-
17 dition and lead to the prosecution of a greater num-
18 ber of fugitives.

19 (7) Since 1967, the Federal Bureau of Inves-
20 tigation has operated the National Crime Informa-
21 tion Center, which administers a nationwide data-
22 base containing criminal history information from
23 the Federal Government and the States, including
24 outstanding arrest warrants. The National Crime
25 Information Center database allows a law enforce-

1 ment officer who stops a person in 1 State to obtain
2 information about a warrant for that person issued
3 in another State. It contains approximately
4 1,700,000 felony and misdemeanor warrants. It is
5 missing nearly half of the 2,800,000 to 3,200,000 of
6 the felony warrants issued across the Nation, includ-
7 ing warrants for hundreds of thousands of violent
8 crimes.

9 (8) The failure of a State to enter a warrant
10 into the National Crime Information Center data-
11 base enables a fugitive to escape arrest even when
12 the fugitive is stopped by a law enforcement officer
13 in another State, because the officer is not aware
14 there was a warrant issued for the fugitive. Many of
15 such fugitives go on to commit additional crimes. In
16 addition, such fugitives pose a danger to law en-
17 forcement officers who encounter them without
18 knowledge of the pending charges against the fugi-
19 tives or their record of fleeing law enforcement au-
20 thorities.

21 (9) All warrants entered into the National
22 Crime Information Center database must be vali-
23 dated on a regular basis to ensure that the informa-
24 tion in the warrant is still accurate and that the
25 warrant is still active.

1 (10) Improving the entry and validation of war-
2 rants in the National Crime Information Center
3 database would enable law enforcement officers to
4 identify and arrest a larger number of fugitives, im-
5 prove the safety of these officers, and better protect
6 communities from crime.

7 (11) Federal funds for State and local law en-
8 forcement are most effective when they do not sup-
9 plant, but rather supplement State and local funds.

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **ACTIVE WARRANT.**—The term “active war-
13 rant” means a warrant that has not been cleared. A
14 warrant may be cleared by arrest or by the deter-
15 mination of a law enforcement agency that a war-
16 rant has already been executed or that the subject
17 is deceased.

18 (2) **FELONY WARRANT.**—The term “felony war-
19 rant” means any warrant for a crime that is punish-
20 able by a term of imprisonment exceeding 1 year.

21 (3) **INDIAN COUNTRY.**—The term “Indian coun-
22 try” has the meaning given the term in section 1151
23 of title 18, United States Code.

24 (4) **INDIAN TRIBE.**—The term “Indian tribe”
25 has the meaning given the term in section 102 of the

1 Federally Recognized Indian Tribe List Act of 1994
2 (25 U.S.C. 479a).

3 (5) NATIONAL CRIME INFORMATION CENTER
4 DATABASE.—The term “National Crime Information
5 Center database” means the computerized index of
6 criminal justice information operated by the Federal
7 Bureau of Investigation under section 534 of title
8 28, United States Code, and available to Federal,
9 State, and local law enforcement and other criminal
10 justice agencies.

11 (6) STATE.—The term “State” means any
12 State of the United States, the District of Columbia,
13 the Commonwealth of Puerto Rico, the Virgin Is-
14 lands, American Samoa, Guam, and the Northern
15 Mariana Islands.

16 (7) UNIT OF LOCAL GOVERNMENT.—The term
17 “unit of local government”—

18 (A) means—

19 (i) any city, county, township, bor-
20 ough, parish, village, or other general pur-
21 pose political subdivision of a State; or

22 (ii) any law enforcement district or ju-
23 dicial enforcement district that is estab-
24 lished under applicable State law and has
25 the authority to, in a manner independent

1 of other State entities, establish a budget
2 and impose taxes;

3 (B) includes law enforcement agencies,
4 courts, and any other government agencies in-
5 volved in the issuance of warrants; and

6 (C) in the case of Indian tribes, includes
7 tribal law enforcement agencies, tribal courts
8 and any other tribal agencies involved in the
9 issuance of warrants.

10 **SEC. 4. GRANTS TO ENCOURAGE STATES TO ENTER FEL-**
11 **ONY WARRANTS.**

12 (a) AUTHORIZATION OF GRANTS.—

13 (1) IN GENERAL.—The Attorney General shall
14 make grants to States or Indian tribes in a manner
15 consistent with the National Criminal History Im-
16 provement Program, which shall be used by States
17 or Indian tribes, in conjunction with units of local
18 government, to—

19 (A)(i) develop and implement secure, elec-
20 tronic State, local or tribal warrant manage-
21 ment systems that permit the prompt prepara-
22 tion, submission, and validation of warrants
23 and are compatible and interoperable with the
24 National Crime Information Center database to
25 facilitate information sharing and to ensure

1 that felony warrants entered into warrant data-
2 bases by State, local and tribal government
3 agencies can be automatically entered into the
4 National Crime Information Center database;
5 or

6 (ii) upgrade existing State, local or tribal
7 electronic warrant management systems to en-
8 sure compatibility and interoperability with the
9 National Crime Information Center database to
10 facilitate information sharing and to ensure
11 that felony warrants entered into warrant data-
12 bases by State, local and tribal government
13 agencies can be automatically entered into the
14 National Crime Information Center database;
15 and

16 (B) ensure that all State, local, and tribal
17 government agencies that need access to the
18 National Crime Information Center database
19 for criminal justice purposes can access the
20 database.

21 (2) DURATION.—A grant awarded under this
22 section shall be—

23 (A) for a period of 1 year; and

24 (B) renewable at the discretion of the At-
25 torney General if the State seeking renewal sub-

1 mits an application to the Attorney General
2 that demonstrates compliance with subsection
3 (b)(2).

4 (3) HIRING OF PERSONNEL.—Not more than 5
5 percent of the grant funds awarded under this sec-
6 tion to each State and Indian tribe may also be used
7 to hire additional personnel, as needed, to validate
8 warrants entered into the National Crime Informa-
9 tion Center database.

10 (4) SET-ASIDE.—Not more than 5 percent of
11 the total funds available to be awarded under this
12 section may be reserved for Indian tribes.

13 (b) ELIGIBILITY.—

14 (1) IN GENERAL.—In order to be eligible for a
15 grant authorized under subsection (a), a State or In-
16 dian tribe shall submit to the Attorney General—

17 (A) a plan to develop and implement, or
18 upgrade, systems described in subsection (a)(1);

19 (B) a report that—

20 (i) details the number of active felony
21 warrants issued by the State or Indian
22 tribe, including felony warrants issued by
23 units of local government within the State
24 or Indian tribe;

1 (ii) describes the number and type of
2 active felony warrants that have not been
3 entered into a State, local, or tribal war-
4 rant database or into the National Crime
5 Information Center database;

6 (iii) explains the reasons State, local,
7 and tribal government agencies have not
8 entered active felony warrants into the Na-
9 tional Crime Information Center database;
10 and

11 (iv) demonstrates that State, local,
12 and tribal government agencies have made
13 good faith efforts to eliminate any such
14 backlog; and

15 (C) guidelines for warrant entry by the
16 State or Indian tribe, including units of local
17 government within the State or Indian tribe,
18 that—

19 (i) ensure that felony warrants issued
20 by the State or Indian tribe, including
21 units of local government within the State
22 or Indian tribe, will be entered into the
23 National Crime Information Center data-
24 base; and

1 (ii) include a description of the cir-
 2 cumstances, if any, in which, as a matter
 3 of policy, certain such warrants will not be
 4 entered into the National Crime Informa-
 5 tion Center database.

6 (2) DEPOSIT BAIL AND CITIZENS RIGHT TO
 7 KNOW.—A State that submits a grant renewal appli-
 8 cation under subsection (a)(3)(B) shall require that
 9 each unit of local government or State pretrial serv-
 10 ices agency in such State that has recieved grant
 11 funds under this section file with the Attorney Gen-
 12 eral and the appropriate county clerk's office of ju-
 13 risdiction the following public reports on defendants
 14 released at the recommendation or under the super-
 15 vision of the unit of local government or State pre-
 16 trial services agency:

17 (A) An annual report specifying—
 18 (i) the number of defendants assessed
 19 or interviewed for pretrial release;
 20 (ii) the number of indigent defendants
 21 included in clause (i);
 22 (iii) the number of failures to appear
 23 for a scheduled court appearance; and
 24 (iv) the number and type of program
 25 noncompliance infractions committed by a

1 defendant released to a pretrial release
2 program.

3 (B) An annual report at the end of each
4 year, setting forth the budget of the unit of
5 local government or State pretrial services
6 agency for the reporting year.

7 (c) REPORT TO THE ATTORNEY GENERAL.—A State
8 or Indian tribe that receives a grant under this section
9 shall, 1 year after receiving the grant, submit a report to
10 the Attorney General that includes—

11 (1) the number of active felony warrants issued
12 by that State or Indian tribe, including units of local
13 government within that State or Indian tribe;

14 (2) the number of the active felony warrants
15 entered into the National Crime Information Center
16 database; and

17 (3) with respect to felony warrants not entered
18 into the National Crime Information Center data-
19 base, the reasons for not entering such warrants.

20 (d) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Attorney General
22 \$10,000,000 for each of the fiscal years 2011 through
23 2015 for grants to carry out the requirements of this sec-
24 tion.

1 **SEC. 5. FEDERAL BUREAU OF INVESTIGATION COORDINA-**
2 **TION.**

3 The Federal Bureau of Investigation shall provide to
4 State, local, and tribal government agencies the techno-
5 logical standard to ensure the compatibility and interoper-
6 ability of all State, local, and tribal warrant databases
7 with the National Crime Information Center database, as
8 well as other technical assistance to facilitate the imple-
9 mentation of automated State, local, and tribal warrant
10 management systems that are compatible and interoper-
11 able with the National Crime Information Center data-
12 base.

13 **SEC. 6. REPORT REGARDING FELONY WARRANT ENTRY.**

14 (a) IN GENERAL.—Not later than 270 days after the
15 date of the enactment of this Act, the Comptroller General
16 of the United States shall submit to the House and Senate
17 Committees on the Judiciary a report regarding—

18 (1) the number of active felony warrants issued
19 by each State and Indian tribe, including felony war-
20 rants issued by units of local government within the
21 State or Indian tribe;

22 (2) the number of the active felony warrants
23 that State, local, and tribal government agencies
24 have entered into the National Crime Information
25 Center database; and

1 (3) for the preceding 3 years, the number of
 2 persons in each State with an active felony warrant
 3 who were—

4 (A) apprehended in other States or in In-
 5 dian country but not extradited; and

6 (B) apprehended in other States or in In-
 7 dian country and extradited.

8 (b) ASSISTANCE.—To assist in the preparation of the
 9 report required by subsection (a), the Attorney General
 10 shall provide the Comptroller General of the United States
 11 access to any information collected and reviewed in con-
 12 nection with the grant application process described in sec-
 13 tion 4.

14 (c) REPORT BY ATTORNEY GENERAL.—On an an-
 15 nual basis, the Attorney General shall submit to the Com-
 16 mittees on the Judiciary of the Senate and the House of
 17 Representatives a report containing the information re-
 18 ceived from the States and Indian tribes under this sec-
 19 tion.

20 **SEC. 7. EXTRADITION ASSISTANCE.**

21 (a) GRANT ASSISTANCE.—

22 (1) AUTHORIZATION OF GRANT ASSISTANCE.—

23 (A) IN GENERAL.—The Attorney General
 24 shall, subject to paragraph (4), make grants to
 25 States and Indian tribes for periods of 1 year

1 which shall be used by States and Indian tribes,
2 including units of local government within the
3 State or Indian tribe, to extradite fugitives
4 from another State or Indian country for prosecution.
5

6 (B) SET ASIDE.—Not more than 5 percent
7 of the grant funding available under this section
8 may be reserved for Indian tribal governments,
9 including tribal judicial systems.

10 (2) MATCHING FUNDS.—The Federal share of a
11 grant received under this section may not exceed 80
12 percent of the costs of a program or proposal funded
13 under this section unless the Attorney General
14 waives, wholly or in part, the requirements of this
15 paragraph in the event of extraordinary circumstances.
16

17 (3) GRANT APPLICATIONS.—A State or Indian
18 tribe seeking a grant under this subsection shall
19 submit an application to the Attorney General
20 that—

21 (A) describes the process and any impediments
22 to extraditing fugitives apprehended in
23 other States or in Indian country after being
24 notified of such fugitives' apprehension;

1 (B) specifies the way in which grant
2 amounts will be used, including the means of
3 transportation the State or Indian tribe, or unit
4 of local government within the State or Indian
5 tribe, intends to use for extradition and whether
6 the State or Indian tribe or unit of local gov-
7 ernment will participate in the JPATS pro-
8 gram, as well as whether it has participated in
9 that program in the past;

10 (C) specifies the number of fugitives extra-
11 dited by all jurisdictions within that State or
12 Indian tribe for each of the 3 years preceding
13 the date of the grant application; and

14 (D) specifies the total amount spent by all
15 jurisdictions within that State or Indian tribe
16 on fugitive extraditions for each of the 3 years
17 preceding the date of the grant application.

18 (4) ELIGIBILITY.—

19 (A) IN GENERAL.—In determining whether
20 to award a grant under this section to a State
21 or Indian tribe, the Attorney General shall con-
22 sider the following:

23 (i) The information in the application
24 submitted under paragraph (3).

1 (ii) The percentage of felony warrants
2 issued by the State or Indian tribe, includ-
3 ing units of local government within the
4 State or Indian tribe, that were entered
5 into the National Crime Information Cen-
6 ter database, as calculated with the infor-
7 mation provided under subsection (b) and,
8 beginning 1 year after the date of enact-
9 ment of this Act, whether the State or In-
10 dian tribe has made substantial progress in
11 improving the entry of felony warrants into
12 the National Crime Information Center
13 database.

14 (iii) For grants issued after an initial
15 1 year grant, whether the State or Indian
16 tribe, including units of local government
17 within the State or Indian tribe, has in-
18 creased substantially the number of fugi-
19 tives extradited for prosecution.

20 (B) PREFERENCES.—In allocating extra-
21 dition grants under this section, the Attorney
22 General should give preference to States or In-
23 dian tribes that—

24 (i) 3 years after the date of enactment
25 of this Act, have entered at least 50 per-

1 cent of active felony warrants into the Na-
2 tional Crime Information Center database;

3 (ii) 5 years after the date of enact-
4 ment of this Act, have entered at least 70
5 percent of active felony warrants into the
6 National Crime Information Center data-
7 base; and

8 (iii) 7 years after the date of enact-
9 ment of this Act, have entered at least 90
10 percent of active felony warrants into the
11 National Crime Information Center data-
12 base.

13 (5) USE OF FUNDS.—States and Indian tribes,
14 including units of local government within the State
15 or Indian tribe, receiving a grant under this section
16 may use grant monies to credit the costs of trans-
17 porting State and local detainees on behalf of such
18 State to the Justice Prisoner and Alien Transpor-
19 tation System.

20 (6) RECORDKEEPING.—States and Indian
21 tribes, including units of local government within the
22 State or Indian tribe, that receive a grant under this
23 section shall maintain and report such data, records,
24 and information (programmatic and financial) as the
25 Attorney General may require.

1 (7) AUDIT.—

2 (A) IN GENERAL.—The Attorney General
3 shall conduct an audit of the use of funds by
4 States and Indian tribes receiving grants under
5 this section 18 months after the date of the en-
6 actment of this Act and biennially thereafter.

7 (B) INELIGIBILITY.—A State or Indian
8 tribe, or unit of local government within a State
9 or Indian tribe, that fails to increase substan-
10 tially the number of fugitives extradited after
11 receiving a grant under this section will be in-
12 eligible for future funds.

13 (8) AUTHORIZATION OF APPROPRIATIONS.—
14 There are authorized to be appropriated to carry out
15 this section \$30,000,000 for each of fiscal years
16 2011 through 2015.

17 (b) ACTIVE FELONY WARRANTS ISSUED BY STATES
18 AND INDIAN TRIBES.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of the enactment of this Act, and an-
21 nually thereafter on a date designated by the Attor-
22 ney General, to assist the Attorney General in mak-
23 ing a determination under subsection (a)(4) con-
24 cerning eligibility to receive a grant, each State and

1 Indian tribe applying for a grant under this section
2 shall submit to the Attorney General—

3 (A) the total number of active felony war-
4 rants issued by the State or Indian tribe, in-
5 cluding units of local government within the
6 State or Indian tribe, regardless of the age of
7 the warrants; and

8 (B) a description of the categories of fel-
9 ony warrants not entered into the National
10 Crime Information Center database and the
11 reasons for not entering such warrants.

12 (2) FAILURE TO PROVIDE.—A State or Indian
13 tribe that fails to provide the information described
14 in paragraph (1) by the date required under such
15 paragraph shall be ineligible to receive any funds
16 under subsection (a), until such date as it provides
17 the information described in paragraph (1) to the
18 Attorney General.

19 (c) ATTORNEY GENERAL REPORT.—

20 (1) IN GENERAL.—Not later than January 31
21 of each year, the Attorney General shall submit to
22 the Committee on the Judiciary of the Senate and
23 the Committee on the Judiciary of the House of
24 Representatives a report—

1 (A) containing the information submitted
2 by the States and Indian tribes under sub-
3 section (b);

4 (B) containing the percentage of active fel-
5 ony warrants issued by those States and Indian
6 tribes that has been entered into the National
7 Crime Information Center database, as deter-
8 mined under subsection (a)(4)(A)(ii);

9 (C) containing a description of the cat-
10 egories of felony warrants that have not been
11 entered into the National Crime Information
12 Center database and the reasons such warrants
13 were not entered, as provided to the Attorney
14 General under subsection (b)(1);

15 (D) comparing the warrant entry informa-
16 tion to data from previous years and describing
17 the progress of States and Indian tribes in en-
18 tering active felony warrants into the National
19 Crime Information Center database;

20 (E) containing the number of persons that
21 each State or Indian tribe, including units of
22 local government within the State or Indian
23 tribe, has extradited from other States or in In-
24 dian country for prosecution and describing any
25 progress the State or Indian tribe has made in

1 improving the number of fugitives extradited
2 for prosecution; and

3 (F) describing the practices of the States
4 and Indian tribes regarding the collection,
5 maintenance, automation, and transmittal of
6 felony warrants to the National Crime Informa-
7 tion Center, that the Attorney General con-
8 siders to be best practices.

9 (2) BEST PRACTICES.—Not later than January
10 31 of each year, the Attorney General shall provide
11 the information regarding best practices, referred to
12 in paragraph (1)(F), to each State and Indian tribe
13 submitting information to the National Crime Infor-
14 mation Center.

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