

SEARCH Resolution 09-55

Of the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics

November 18, 2009

The Managing Arson Through Criminal History (MATCH) Act

WHEREAS, SEARCH, the National Consortium for Justice Information and Statistics, a membership organization of State Governor appointees, has expertise in public policy issues associated with national criminal history automated information systems, including the National Instant Criminal History Background Check System (NICS) under the Brady Act and the sex offender registries created under the Sex Offender Registry and Notification Act (SORNA);

WHEREAS, on September 30, 2009, the House passed the Managing Arson Through Criminal History (MATCH) Act to require each State to establish and maintain an arsonist and bomber registry (H.R. 1727) and a similar bill is pending in the Senate (S. 1684);

WHEREAS, the legislation requires the Attorney General to establish a national criminal arsonist and criminal bomber registry to be operated by the Bureau of Alcohol, Tobacco and Firearms;

WHEREAS, the MATCH Act would impose numerous challenging and costly responsibilities on every State;

WHEREAS, the MATCH Act would also have the effect of imposing numerous challenging and costly responsibilities on local criminal justice agencies;

WHEREAS, States which fail to comply with registration requirements could lose up to ten percent of their Byrne block grant funding;

WHEREAS, SEARCH recognizes the public policy goals that could be achieved through the establishment of a federal arson and bomber registry;

NOW, THEREFORE, BE IT RESOLVED by the Membership Group of SEARCH, The National Consortium for Justice Information and Statistics, that:

- 'SEARCH recommends that, if an arson and bomber registry is established, the FBI CJIS infrastructure and processes should be used for the registry and that this will encourage the effective and efficient implementation of the registry and that the ATF should partner with the FBI to implement the registry;

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- If the registry is established, states must be given sufficient time, no less than three years from the date that the Department of Justice adopts final regulations, to come into compliance with the Act. The Justice Department regulations should reflect “lessons learned” from SORNA implementation and should include the opportunity for extensions of time for compliance where needed by a state;
- The definition of a “criminal bomber” should be clarified to focus on individuals using bombs for criminal or terrorist purposes;
- A state’s failure to comply with the requirements in the MATCH Act should trigger potential forfeiture of eligibility for participation in the grant program established under the MATCH Act, but should not involve any potential risk of reduction of Byrne program funding;
- State requirements should not go into effect unless, and until, the grant program authorized in the MATCH Act has received appropriations in an amount sufficient to offset all state costs and to avoid any unfunded state mandates’.”