

110TH CONGRESS  
1ST SESSION

# S. 2387

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

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 16, 2007

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

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## A BILL

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

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

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Managing Arson  
5 Through Criminal History (MATCH) Act of 2007”.

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

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

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

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

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

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

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

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

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

1 (B) not later than 5 business days after  
2 being sentenced for that offense, if the criminal  
3 arsonist is not sentenced to a term of imprison-  
4 ment.

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

15 (4) APPLICATION OF REGISTRATION REQUIRE-  
16 MENTS.—

17 (A) IN GENERAL.—Except as provided in  
18 guidelines under subparagraph (B), the require-  
19 ments of this section, including the duties to  
20 register and to keep a registration current, shall  
21 apply only to a criminal arsonist who was con-  
22 victed of a criminal offense involving arson on  
23 or after the date of the enactment of this Act,  
24 and who was notified of such duties and reg-  
25 istered in accordance with subsection (f).

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

3 (i) GUIDELINES.—The Attorney Gen-  
4 eral shall establish guidelines in accordance  
5 with the provisions of this subparagraph  
6 for each jurisdiction for the application of  
7 the requirements of this section to criminal  
8 arsonists convicted before the date of the  
9 enactment of this Act or the date of its im-  
10 plementation in such a jurisdiction, and  
11 shall prescribe rules for the registration of  
12 any such criminal arsonists who are other-  
13 wise unable to comply with paragraph (2).

14 (ii) INFORMATION REQUIRED TO BE  
15 INCLUDED IN REGISTRY.—With respect to  
16 each criminal arsonist described in clause  
17 (i) convicted during the 10-year period pre-  
18 ceding the date of the enactment of this  
19 Act, the guidelines under clause (i) shall  
20 provide for the inclusion in the arsonist  
21 registry of each applicable jurisdiction  
22 (and, in accordance with subsection (j), the  
23 provision by such jurisdiction to each enti-  
24 ty described in such subsection) of the fol-  
25 lowing information:

1 (I) The name of the arsonist (in-  
2 cluding any alias used by the arson-  
3 ist).

4 (II) The Social Security number  
5 of the arsonist.

6 (III) The most recent known ad-  
7 dress of the residence at which the ar-  
8 sonist has resided.

9 (IV) A physical description of the  
10 arsonist.

11 (V) The text of the provision of  
12 law defining the criminal offense re-  
13 lated to arson for which the arsonist  
14 is convicted.

15 (VI) A set of fingerprints and  
16 palm prints of the arsonist.

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

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

23 (iii) NOTICE REQUIRED.—The guide-  
24 lines under clause (i) shall provide notice  
25 to each criminal arsonist included in an ar-

1            arsonist registry pursuant to this subpara-  
2            graph of such inclusion.

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

10           (6) AUTHORITY TO EXEMPT CERTAIN CRIMINAL  
11           ARSONISTS FROM REGISTRY REQUIREMENTS.—A ju-  
12           risdiction shall have the authority to exempt a crimi-  
13           nal arsonist who has been convicted of the offense  
14           of arson in violation of the laws of the jurisdiction  
15           in which the offense was committed or the United  
16           States for the first time from the registration re-  
17           quirements under this section in exchange for such  
18           arsonist’s substantial assistance in the investigation  
19           or prosecution of another person who has committed  
20           an offense. The Attorney General shall assure that  
21           any regulations promulgated under this section in-  
22           clude guidelines that reflect the general appropriate-  
23           ness of exempting such an arsonist from the reg-  
24           istration requirements under this section.

25           (c) INFORMATION REQUIRED IN REGISTRATION.—

1           (1) PROVIDED BY THE ARSONIST.—A criminal  
2 arsonist shall provide the following information to  
3 the appropriate official for inclusion in the arsonist  
4 registry of a jurisdiction in which such arsonist is  
5 required to register:

6           (A) The name of the arsonist (including  
7 any alias used by the arsonist).

8           (B) The Social Security number of the ar-  
9 sonist.

10          (C) The address of each residence at which  
11 the arsonist resides or will reside.

12          (D) The name and address of any place  
13 where the arsonist is an employee or will be an  
14 employee.

15          (E) The name and address of any place  
16 where the arsonist is a student or will be a stu-  
17 dent.

18          (F) The license plate number and a de-  
19 scription of any vehicle owned or operated by  
20 the arsonist.

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 registers shall

1 ensure that the following information is included in  
2 the registry for such arsonist:

3 (A) A physical description of the arsonist.

4 (B) The text of the provision of law defin-  
5 ing the criminal offense for which the arsonist  
6 is registered.

7 (C) The criminal history of the arsonist,  
8 including the date of all arrests and convictions;  
9 the status of parole, probation, or supervised  
10 release; registration status; and the existence of  
11 any outstanding arrest warrants for the arson-  
12 ist.

13 (D) A current photograph of the arsonist.

14 (E) A set of fingerprints and palm prints  
15 of the arsonist.

16 (F) A photocopy of a valid driver's license  
17 or identification card issued to the arsonist by  
18 a jurisdiction.

19 (G) Any other information required by the  
20 Attorney General.

21 (d) DURATION OF REGISTRATION REQUIREMENT;  
22 EXPUNGING REGISTRIES OF INFORMATION FOR CERTAIN  
23 JUVENILE CRIMINAL ARSONISTS.—

24 (1) DURATION OF REGISTRATION REQUIRE-  
25 MENT.—A criminal arsonist shall keep the registra-

1       tion information provided under subsection (c) cur-  
2       rent for the full registration period (excluding any  
3       time the arsonist is in custody). For purposes of this  
4       subsection, the full registration period—

5               (A) shall commence on the later of the  
6               date on which the arsonist is convicted of an of-  
7               fense of arson in violation of the laws of the ju-  
8               risdiction in which the offense was committed  
9               or the United States, the date on which the ar-  
10              sonist is released from prison for such convic-  
11              tion, or the date on which such arsonist is  
12              placed on parole, supervised release, or proba-  
13              tion for such conviction; and

14             (B) shall be—

15               (i) five years for an arsonist who has  
16               been convicted of such an offense for the  
17               first time;

18               (ii) ten years for an arsonist who has  
19               been convicted of such an offense for the  
20               second time; and

21               (iii) for the life of the arsonist for an  
22               arsonist who has been convicted of such an  
23               offense more than twice.

24             (2) EXPUNGING REGISTRIES OF INFORMATION  
25             FOR CERTAIN JUVENILE CRIMINAL ARSONISTS.—

1 (A) IN GENERAL.—In the case of a crimi-  
2 nal arsonist described in subparagraph (B), a  
3 jurisdiction shall expunge the arson registry of  
4 such jurisdiction of information related to such  
5 criminal arsonist as of the date that is 5 years  
6 after the last day of the applicable full registra-  
7 tion period under paragraph (1).

8 (B) CRIMINAL ARSONIST DESCRIBED.—  
9 For purposes of subparagraph (A), a criminal  
10 arsonist described in this subparagraph is a  
11 criminal arsonist who—

12 (i) was a juvenile tried as an adult for  
13 the offense giving rise to the duty to reg-  
14 ister; and

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

21 (C) APPLICATION TO OTHER DATA-  
22 BASES.—The Attorney General shall establish a  
23 process to ensure that each entity that receives  
24 information under subsection (j) with respect to  
25 a criminal arsonist described in subparagraph

1 (B) shall expunge the applicable database of  
2 such information as of the date that is 5 years  
3 after the last day of the applicable full registra-  
4 tion period under paragraph (1).

5 (e) ANNUAL VERIFICATION.—Not less than once in  
6 each calendar year during the full registration period, a  
7 criminal arsonist required to register under this section  
8 shall—

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

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

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

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

18 (1) IN GENERAL.—An appropriate official shall,  
19 shortly before release of a criminal arsonist from  
20 custody, or, if the arsonist is not in custody, imme-  
21 diately after the sentencing of the arsonist for the  
22 offense giving rise to the duty to register—

23 (A) inform the arsonist of the duties of the  
24 arsonist under this section and explain those  
25 duties in a manner that the arsonist can under-

1 stand in light of the arsonist's native language,  
2 mental capability, and age;

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

9 (C) if the arsonist is unable to understand  
10 the registration requirements, the official shall  
11 sign a form stating that the arsonist is unable  
12 to understand the registration requirements;  
13 and

14 (D) ensure that the arsonist is registered.

15 (2) NOTIFICATION OF CRIMINAL ARSONISTS  
16 WHO CANNOT COMPLY WITH PARAGRAPH (1).—The  
17 Attorney General shall prescribe rules to ensure the  
18 notification and registration of criminal arsonists in  
19 accordance with paragraph (1) who cannot be noti-  
20 fied and registered at the time set forth in para-  
21 graph (1).

22 (g) ACCESS TO CRIMINAL ARSONIST INFORMATION  
23 THROUGH THE INTERNET.—

24 (1) IN GENERAL.—Except as provided in this  
25 subsection, each jurisdiction shall make available on

1 the Internet, in a manner that is readily accessible  
2 to law enforcement personnel and fire safety officers  
3 located in the jurisdiction, all information about  
4 each criminal arsonist in the registry. The jurisdic-  
5 tion shall also include in the design of its Internet  
6 site all field search capabilities needed for full par-  
7 ticipation in the National criminal arsonist Internet  
8 site established under subsection (i) and shall par-  
9 ticipate in that Internet site as provided by the At-  
10 torney General in regulations which comply with this  
11 paragraph.

12 (2) PROHIBITION ON ACCESS BY THE PUB-  
13 LIC.—Such information about a criminal arsonist  
14 shall not be made available on the Internet to the  
15 public.

16 (3) MANDATORY EXEMPTIONS.—A jurisdiction  
17 shall exempt from disclosure, with respect to infor-  
18 mation about a criminal arsonist—

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

23 (B) any information about the arsonist if  
24 the arsonist is participating in a witness protec-  
25 tion program and the release of such informa-

1           tion could jeopardize the safety of the arsonist  
2           or any other individual; and

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

6           (4) OPTIONAL EXEMPTIONS.—A jurisdiction is  
7           authorized to exempt from disclosure, with respect  
8           to information about a criminal arsonist—

9           (A) the name of an employer of the arson-  
10          ist; and

11          (B) the name of an educational institution  
12          where the arsonist is a student.

13          (5) CORRECTION OF ERRORS.—The Attorney  
14          General shall establish guidelines for each jurisdic-  
15          tion for a process to seek correction of information  
16          included in the Internet site established by the juris-  
17          diction pursuant to paragraph (1) in the case that  
18          an individual contends such information is erro-  
19          neous. Such guidelines shall provide for an adequate  
20          period following the date on which the individual has  
21          knowledge of the information's inclusion in the  
22          Internet site for the individual to seek such correc-  
23          tion of information.

24          (6) WARNING.—An Internet site established by  
25          a jurisdiction pursuant to paragraph (1) shall in-

1       clude a warning that information on the site is to be  
2       used for law enforcement purposes only and may  
3       only be disclosed in connection with such purposes.  
4       The warning shall note that any such action could  
5       result in civil or criminal penalties.

6       (h) NATIONAL CRIMINAL ARSONIST REGISTRY.—

7           (1) IN GENERAL.—The Attorney General shall  
8       maintain a national database at the Bureau of Alco-  
9       hol, Tobacco, Firearms and Explosives for each  
10      criminal arsonist. The database shall be known as  
11      the National Arsonist Registry.

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

17      (i) NATIONAL ARSONIST INTERNET SITE.—The At-  
18      torney General shall establish and maintain a national ar-  
19      sonist Internet site. The Internet site shall include rel-  
20      evant information for each criminal arsonist. The Internet  
21      site shall allow law enforcement officers and fire safety  
22      officers to obtain relevant information for each such ar-  
23      sonist by a single query for any given zip code or geo-  
24      graphical radius set by the user in a form and with such  
25      limitations as may be established by the Attorney General

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

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

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

13 (2) Appropriate law enforcement agencies (in-  
14 cluding probation agencies, if appropriate) in each  
15 area in which the offender resides, is an employee,  
16 or is a student.

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

21 Information about a criminal arsonist shall not be made  
22 available on the Internet to the public.

23 (k) ACTIONS TO BE TAKEN WHEN CRIMINAL AR-  
24 SONIST FAILS TO COMPLY.—Under an arsonist registra-  
25 tion program established by a jurisdiction pursuant to

1 subsection (a), an appropriate official of the jurisdiction  
2 shall notify the Attorney General and appropriate law en-  
3 forcement agencies of any failure by a criminal arsonist  
4 to comply with the requirements of the arsonist registry  
5 for such jurisdiction, and shall revise the registry to reflect  
6 the nature of such failure. The appropriate official, the  
7 Attorney General, and each such law enforcement agency  
8 shall take any appropriate action to ensure compliance.

9 (1) DEVELOPMENT AND AVAILABILITY OF REGISTRY  
10 MANAGEMENT AND WEBSITE SOFTWARE.—

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

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

18 (A) immediate exchange of information  
19 among jurisdictions;

20 (B) access over the Internet to appropriate  
21 information, including the number of registered  
22 criminal arsonists in each jurisdiction on a cur-  
23 rent basis;

24 (C) full compliance with the requirements  
25 of this section; and

1 (D) communication of information as re-  
2 quired under subsection (j).

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

7 (m) PERIOD FOR IMPLEMENTATION BY JURISDIC-  
8 TIONS.—

9 (1) DEADLINE.—To be in compliance with this  
10 section, a jurisdiction shall implement this section  
11 before the later of—

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

14 (B) one year after the date on which the  
15 software described in subsection (l) is made  
16 available to such jurisdiction.

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

20 (n) ELECTION BY INDIAN TRIBES.—

21 (1) ELECTION.—

22 (A) IN GENERAL.—A federally recognized  
23 Indian tribe may, by resolution or other enact-  
24 ment of the tribal council or comparable gov-

1           ernmental body, elect to carry out this subtitle  
2           as a jurisdiction subject to its provisions.

3           (B) IMPLEMENTATION.—If a tribe does  
4           not, within one year of the enactment of this  
5           Act, make an election to take on these duties,  
6           it shall, by resolution or other enactment of the  
7           tribal council or comparable governmental body,  
8           enter into a cooperative agreement to arrange  
9           for a jurisdiction to carry out any function of  
10          the tribe under this Act until such time as the  
11          tribe elects to carry out this Act.

12          (2) COOPERATION BETWEEN TRIBAL AUTHORI-  
13          TIES AND OTHER JURISDICTIONS.—

14                (A) NONDUPLICATION.—A tribe subject to  
15                this subtitle is not required to duplicate func-  
16                tions under this subtitle which are fully carried  
17                out by another jurisdiction or jurisdictions with-  
18                in which the territory of the tribe is located.

19                (B) COOPERATIVE AGREEMENTS.—A tribe  
20                may, through cooperative agreements with such  
21                a jurisdiction or jurisdictions—

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

1 (ii) arrange for such a jurisdiction to  
2 carry out any function of the tribe under  
3 this subtitle with respect to arsonists sub-  
4 ject to the tribe's jurisdiction.

5 (3) LAW ENFORCEMENT AUTHORITY IN INDIAN  
6 COUNTRY.—Enforcement of this Act in Indian coun-  
7 try, as defined in section 1151 of title 18, United  
8 States Code, shall be carried out by Federal, Tribal,  
9 and State governments under existing jurisdictional  
10 authorities.

11 (o) IMMUNITY FOR GOOD FAITH CONDUCT.—The  
12 Federal Government, jurisdictions, political subdivisions of  
13 jurisdictions, and their agencies, officers, employees, and  
14 agents shall be immune from liability for good faith con-  
15 duct under this section.

16 (p) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
17 tion to any amounts otherwise authorized to be appro-  
18 priated, there are authorized to be appropriated to the At-  
19 torney General, to carry out subsections (h) and (i) of this  
20 section, such sums as may be necessary for each of the  
21 fiscal years 2009 through 2014.

22 **SEC. 3. CRIMINAL ARSONIST MANAGEMENT ASSISTANCE**  
23 **PROGRAM.**

24 (a) IN GENERAL.—The Attorney General shall estab-  
25 lish and implement a Criminal Arsonist Management As-

1 assistance program (in this section referred to as the “As-  
2 sistance Program”), under which the Attorney General  
3 shall award a grant to a jurisdiction to offset the costs  
4 of implementing section 2.

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

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

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

1           (2) In the case of a determination that the ju-  
2           risdiction has substantially implemented such section  
3           by a date that is later than one year after the date  
4           of the enactment of this Act, but not later than the  
5           date that is two years after such date of enactment,  
6           5 percent of such total.

7           (d) AUTHORIZATION OF APPROPRIATIONS.—In addi-  
8           tion to any amounts otherwise authorized to be appro-  
9           priated, there are authorized to be appropriated to the At-  
10          torney General, to be available only for the Assistance Pro-  
11          gram, such sums as may be necessary for each of the fiscal  
12          years 2009 through 2014.

13       **SEC. 4. DEFINITIONS.**

14           For purposes of this Act:

15           (1) CRIMINAL ARSONIST.—The term “criminal  
16           arsonist” means an individual who is convicted of  
17           any criminal offense for committing arson in viola-  
18           tion of the laws of the jurisdiction in which such of-  
19           fense was committed or the United States. Such  
20           term shall not include a juvenile who is convicted of  
21           such an offense unless such juvenile was tried as an  
22           adult for such offense.

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

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

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

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

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

15           (B) an individual serving in an official ca-  
16 pacity as a firefighter, fire investigator, or other  
17 arson investigator, as defined by the jurisdiction  
18 for the purposes of this Act.

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

21           (A) A State.

22           (B) The District of Columbia.

23           (C) The Commonwealth of Puerto Rico.

24           (D) Guam.

25           (E) American Samoa.

1 (F) The Northern Mariana Islands.

2 (G) The United States Virgin Islands.

3 (H) To the extent provided and subject to  
4 the requirements of section 2(o), a federally  
5 recognized Indian tribe.

6 (7) LAW ENFORCEMENT OFFICER.—The term  
7 “law enforcement officer” has the meaning given  
8 such term in section 1204 of the Omnibus Crime  
9 Control and Safe Street Act of 1968 (42 U.S.C.  
10 3796b).

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

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

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