

Chapter 13 Peace Officer Classifications

53-13-101 Definitions.

As used in this chapter:

- (1) "Auxiliary officer" means a sworn, certified, and supervised special function officer, as described by Section 53-13-112.
- (2) "Certified" means recognized and accepted by the division as having successfully met and maintained the standards and training requirements set and approved by the director of the division with the advice and consent of the council.
- (3) "Collateral duty" means a duty to corroborate and support a peace officer function that is secondary and supplemental to the primary duty of the position.
- (4) "Council" means the Peace Officer Standards and Training Council created in Section 53-6-106.
- (5) "Director" means the director of the Peace Officer Standards and Training Division appointed under Section 53-6-104.
- (6) "Division" means the Peace Officer Standards and Training Division created in Section 53-6-103.
- (7) "Local law enforcement agency" means a law enforcement agency of any political subdivision of the state.
- (8) "Primary duties" means those duties which come first in degree of effort and importance.
- (9) "Principal duties" means those duties which are the highest and foremost in responsibility.
- (10) "Reserve officer" means a sworn and certified peace officer, whether paid or voluntary, who:
 - (a) is serving in a reserve capacity for a law enforcement agency that is part of or administered by the state or any of its political subdivisions; and
 - (b) meets the basic and in-service training requirements of the peace officer classification in which the officer will function.
- (11) "Spectrum" means that which encompasses the scope of authority. "Full spectrum" encompasses total 24-hour authority; while anything less than full authority is contained or restricted within certain limits as set forth by statute, ordinance, policy, or rule.
- (12) "Sworn" means having taken the oath of office set forth in Utah Constitution Article IV, Section 10, administered by the law enforcement agency for whom a peace officer works.
- (13) "Volunteer" means an officer who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.
- (14)
 - (a) "While on duty" means while an officer is actually performing the job duties and work activities assigned by the employing agency and for which the officer is trained and certified, and may include time spent outside those duties and activities if that additional time involves an activity that is an integral and necessary part of the job, and is spent for the benefit, and under the direction of, the employing agency.
 - (b) "While on duty" does not include the time an officer spends commuting between the officer's home and place of employment unless that time involves an activity in Subsection (14)(a).

Amended by Chapter 92, 1999 General Session

53-13-102 Peace officer classifications.

The following officers may exercise peace officer authority only as specifically authorized by law:

- (1) law enforcement officers;
- (2) correctional officers;
- (3) special function officers; and
- (4) federal officers.

Renumbered and Amended by Chapter 282, 1998 General Session

53-13-103 Law enforcement officer.

- (1)
 - (a) "Law enforcement officer" means a sworn and certified peace officer who is an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose primary and principal duties consist of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.
 - (b) "Law enforcement officer" includes the following:
 - (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any county, city, or town;
 - (ii) the commissioner of public safety and any member of the Department of Public Safety certified as a peace officer;
 - (iii) all persons specified in Sections 23-20-1.5 and 79-4-501;
 - (iv) any police officer employed by any college or university;
 - (v) investigators for the Motor Vehicle Enforcement Division;
 - (vi) investigators for the Department of Insurance, Fraud Division;
 - (vii) special agents or investigators employed by the attorney general, district attorneys, and county attorneys;
 - (viii) employees of the Department of Natural Resources designated as peace officers by law;
 - (ix) school district police officers as designated by the board of education for the school district;
 - (x) the executive director of the Department of Corrections and any correctional enforcement or investigative officer designated by the executive director and approved by the commissioner of public safety and certified by the division;
 - (xi) correctional enforcement, investigative, or adult probation and parole officers employed by the Department of Corrections serving on or before July 1, 1993;
 - (xii) members of a law enforcement agency established by a private college or university provided that the college or university has been certified by the commissioner of public safety according to rules of the Department of Public Safety;
 - (xiii) airport police officers of any airport owned or operated by the state or any of its political subdivisions; and
 - (xiv) transit police officers designated under Section 17B-2a-822.
- (2) Law enforcement officers may serve criminal process and arrest violators of any law of this state and have the right to require aid in executing their lawful duties.
- (3)
 - (a) A law enforcement officer has statewide full-spectrum peace officer authority, but the authority extends to other counties, cities, or towns only when the officer is acting under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is employed by the state.
 - (b)

- (i) A local law enforcement agency may limit the jurisdiction in which its law enforcement officers may exercise their peace officer authority to a certain geographic area.
 - (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the limited geographic area.
 - (c) The authority of law enforcement officers employed by the Department of Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.
- (4) A law enforcement officer shall, prior to exercising peace officer authority:
- (a)
 - (i) have satisfactorily completed the requirements of Section 53-6-205; or
 - (ii) have met the waiver requirements in Section 53-6-206; and
 - (b) have satisfactorily completed annual certified training of at least 40 hours per year as directed by the director of the division, with the advice and consent of the council.

Amended by Chapter 436, 2015 General Session

53-13-104 Correctional officer.

- (1)
- (a) "Correctional officer" means a sworn and certified officer employed by the Department of Corrections, any political subdivision of the state, or any private entity which contracts with the state or its political subdivisions to incarcerate inmates who is charged with the primary duty of providing community protection.
 - (b) "Correctional officer" includes an individual assigned to carry out any of the following types of functions:
 - (i) controlling, transporting, supervising, and taking into custody of persons arrested or convicted of crimes;
 - (ii) supervising and preventing the escape of persons in state and local incarceration facilities;
 - (iii) guarding and managing inmates and providing security and enforcement services at a correctional facility; and
 - (iv) employees of the Board of Pardons and Parole serving on or before September 1, 1993, whose primary responsibility is to prevent and detect crime, enforce criminal statutes, and provide security to the Board of Pardons and Parole, and who are designated by the Board of Pardons and Parole, approved by the commissioner of public safety, and certified by the Peace Officer Standards and Training Division.
- (2)
- (a) Correctional officers have peace officer authority only while on duty. The authority of correctional officers employed by the Department of Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.
 - (b) Correctional officers may carry firearms only if authorized by and under conditions specified by the director of the Department of Corrections or the chief law enforcement officer of the employing agency.
- (3)
- (a) An individual may not exercise the authority of an adult correctional officer until the individual has satisfactorily completed a basic training program for correctional officers and the director of the Department of Corrections has certified the completion of training to the director of the division.
 - (b) An individual may not exercise the authority of a county correctional officer until:

- (i) the individual has satisfactorily completed a basic training program for correctional officers and any other specialized training required by the local law enforcement agency; and
 - (ii) the chief administrator of the local law enforcement agency has certified the completion of training to the director of the division.
- (4)
- (a) The Department of Corrections of the state shall establish and maintain a correctional officer basic course and in-service training programs as approved by the director of the division with the advice and consent of the council.
 - (b) The in-service training shall:
 - (i) consist of no fewer than 40 hours per year; and
 - (ii) be conducted by the agency's own staff or other agencies.
- (5) The local law enforcement agencies may establish correctional officer basic, advanced, or in-service training programs as approved by the director of the division with the advice and consent of the council.

Amended by Chapter 92, 1999 General Session

53-13-105 Special function officer.

- (1)
- (a) "Special function officer" means a sworn and certified peace officer performing specialized investigations, service of legal process, security functions, or specialized ordinance, rule, or regulatory functions.
 - (b) "Special function officer" includes:
 - (i) state military police;
 - (ii) constables;
 - (iii) port-of-entry agents as defined in Section 72-1-102;
 - (iv) authorized employees or agents of the Department of Transportation assigned to administer and enforce the provisions of Title 72, Chapter 9, Motor Carrier Safety Act;
 - (v) school district security officers;
 - (vi) Utah State Hospital security officers designated pursuant to Section 62A-15-603;
 - (vii) Utah State Developmental Center security officers designated pursuant to Subsection 62A-5-206(8);
 - (viii) fire arson investigators for any political subdivision of the state;
 - (ix) ordinance enforcement officers employed by municipalities or counties may be special function officers;
 - (x) employees of the Department of Natural Resources who have been designated to conduct supplemental enforcement functions as a collateral duty;
 - (xi) railroad special agents deputized by a county sheriff under Section 17-30-2 or 17-30a-104, or appointed pursuant to Section 56-1-21.5;
 - (xii) auxiliary officers, as described by Section 53-13-112;
 - (xiii) special agents, process servers, and investigators employed by city attorneys;
 - (xiv) criminal tax investigators designated under Section 59-1-206; and
 - (xv) all other persons designated by statute as having special function officer authority or limited peace officer authority.
- (2)
- (a) A special function officer may exercise that spectrum of peace officer authority that has been designated by statute to the employing agency, and only while on duty, and not for the purpose of general law enforcement.

- (b) If the special function officer is charged with security functions respecting facilities or property, the powers may be exercised only in connection with acts occurring on the property where the officer is employed or when required for the protection of the employer's interest, property, or employees.
 - (c) A special function officer may carry firearms only while on duty, and only if authorized and under conditions specified by the officer's employer or chief administrator.
- (3)
- (a) A special function officer may not exercise the authority of a peace officer until:
 - (i) the officer has satisfactorily completed an approved basic training program for special function officers as provided under Subsection (4); and
 - (ii) the chief law enforcement officer or administrator has certified this fact to the director of the division.
 - (b) City and county constables and their deputies shall certify their completion of training to the legislative governing body of the city or county they serve.
- (4)
- (a) The agency that the special function officer serves may establish and maintain a basic special function course and in-service training programs as approved by the director of the division with the advice and consent of the council.
 - (b) The in-service training shall consist of no fewer than 40 hours per year and may be conducted by the agency's own staff or by other agencies.

Amended by Chapter 300, 2016 General Session

53-13-106 Federal officers -- State law enforcement authority.

- (1)
- (a) "Federal agency" means:
 - (i) the United States Bureau of Land Management;
 - (ii) the United States Forest Service;
 - (iii) the National Park Service;
 - (iv) the United States Fish and Wildlife Service;
 - (v) the United States Bureau of Reclamation;
 - (vi) the United States Environmental Protection Agency; and
 - (vii) the United States Army Corps of Engineers.
 - (b) "Federal employee" means an employee of a federal agency.
 - (c) "Federal officer" includes:
 - (i) a special agent of the Federal Bureau of Investigation;
 - (ii) a special agent of the United States Secret Service;
 - (iii) a special agent of the United States Department of Homeland Security, excluding a customs inspector or detention removal officer;
 - (iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;
 - (v) a special agent of the Drug Enforcement Administration;
 - (vi) a United States marshal, deputy marshal, and special deputy United States marshal; and
 - (vii) a U.S. postal inspector of the United States Postal Inspection Service.
 - (d)
 - (i) Federal officers listed in Subsection (1)(c) have statewide law enforcement authority relating to felony offenses under the laws of this state. This Subsection (1)(d)(i) takes precedence over Subsection (2).

- (ii) Federal agencies and federal employees may exercise law enforcement authority related to misdemeanor and felony offenses under Utah law only as established by an agreement as provided in Subsection (1)(d)(iii) and as provided in Section 53-13-106.9 or pursuant to Section 53-13-106.7. This Subsection (1)(d)(ii) takes precedence over Subsection (2).
- (iii) Consistent with Section 53-13-106.9, county sheriffs may enter into agreements with federal agencies that allow concurrent authority to enforce federal laws and state and local laws, provided that:
 - (A) the agreement is limited to a term of not more than two years; and
 - (B) the officers granted authority under the agreement have completed a 20-hour training course that is focused on Utah criminal law and procedure and that is approved by the director of the Peace Officer Standards and Training Division.
- (e) The council may designate other federal peace officers, as necessary, if the officers:
 - (i) are persons employed full-time by the United States government as federally recognized law enforcement officers primarily responsible for the investigation and enforcement of the federal laws;
 - (ii) have successfully completed formal law enforcement training offered by an agency of the federal government consisting of not less than 400 hours; and
 - (iii) maintain in-service training in accordance with the standards set forth in Section 53-13-103.
- (2) Except as otherwise provided under Title 63L, Chapter 1, Federal Jurisdiction, and Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law enforcement authority only if:
 - (a) the state law enforcement agencies and county sheriffs with jurisdiction enter into an agreement with the federal agency to be given authority; and
 - (b) except as provided in Subsection (3), each federal officer employed by the federal agency meets the waiver requirements set forth in Section 53-6-206.
- (3) A federal officer working as such in the state on or before July 1, 1995, may exercise state law enforcement authority without meeting the waiver requirement.
- (4) At any time, consistent with any contract with a federal agency, a state or local law enforcement authority may withdraw state law enforcement authority from any individual federal officer by sending written notice to the federal agency and to the division.
- (5) The authority of a federal officer under this section is limited to the jurisdiction of the authorizing state or local agency, and may be further limited by the state or local agency to enforcing specific statutes, codes, or ordinances.

Amended by Chapter 228, 2014 General Session

Amended by Chapter 228, 2014 General Session, (Coordination Clause)

53-13-106.1 State and local law enforcement officers and federal employees -- Definitions.

As used in this section and in Sections 53-13-106.2 through 53-13-106.10:

- (1) "Exercise law enforcement authority" and "exercise of law enforcement authority" means:
 - (a) to take any action on private land, state-owned land, or federally managed land, to investigate, stop, serve process, search, arrest, cite, book, or incarcerate a person for a federal, state, or local criminal violation when the action is based on:
 - (i) a federal statute, regulation, or rule;
 - (ii) a state or local statute, ordinance, regulation, or rule; or
 - (iii) a state or local statute, ordinance, regulation, or rule that is being enforced by a federal agency pursuant to the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or

- (b) to gain access to or use the correctional or communication facilities and equipment of any state or local law enforcement agency.
- (2) "Federal agency" means a federal agency that manages federally managed land or regulates activities on that land, including:
 - (a) the United States Bureau of Land Management;
 - (b) the United States Forest Service;
 - (c) the National Park Service;
 - (d) the United States Fish and Wildlife Service;
 - (e) the United States Bureau of Reclamation;
 - (f) the United States Environmental Protection Agency; and
 - (g) the United States Army Corps of Engineers.
- (3) "Federal employee" means an employee or other agent of a federal agency, but does not include:
 - (a) a special agent of the Federal Bureau of Investigation;
 - (b) a special agent of the United States Secret Service;
 - (c) a special agent of the United States Department of Homeland Security, unless the employee is a customs inspector or detention removal officer;
 - (d) a special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
 - (e) a special agent of the United States Drug Enforcement Administration;
 - (f) a United States marshal, deputy marshal, or special deputy United States marshal; or
 - (g) a United States postal inspector of the United States Postal Inspection Service.
- (4) "Federally managed land" means land managed by the following federal agencies:
 - (a) the United States Bureau of Land Management;
 - (b) the United States Forest Service;
 - (c) the National Park Service;
 - (d) the United States Fish and Wildlife Service; and
 - (e) the United States Bureau of Reclamation.
- (5) "Proprietary jurisdiction federally managed land" means all federally managed land as defined in this section except:
 - (a) buildings, installations, and other structures under the exclusive jurisdiction of the Congress of the United States pursuant to the United States Constitution, Article I, Section 8, Clause 17; and
 - (b) parcels that constitute federal enclaves subject to the concurrent jurisdiction of the United States and the state of Utah.

Enacted by Chapter 317, 2014 General Session

53-13-106.2 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority when based on a federal enactment.

Subject to Sections 53-13-106.6 and 53-13-106.7, and Subsection 53-13-106.9(1):

- (1) State and local law enforcement officers may recognize a federal employee's exercise of law enforcement authority, either on or off federally managed land, when the exercise is consistent with the Constitution of the United States and based on:
 - (a) a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or
 - (b) a federal regulation that is authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13.
- (2) Notwithstanding Subsection 53-13-106.2(1), state and local law enforcement officers may recognize a federal employee's exercise of law enforcement authority, on federally managed

land other than proprietary jurisdiction federally managed land, when the exercise is consistent with the Constitution of the United States and based on:

- (a) a federal statute, including the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or
- (b) a federal regulation that is authorized by a federal statute including the Assimilative Crimes Act, 18 U.S.C. Sec. 13.

Enacted by Chapter 317, 2014 General Session

53-13-106.3 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority when based on a state or local enactment.

Subject to Section 53-13-106.7 and Subsection 53-13-106.9(1), state and local law enforcement officers are not authorized to recognize a federal employee's exercise of law enforcement authority, either on or off federally managed land, when the exercise is based on a state or local statute, ordinance, regulation, or rule.

Enacted by Chapter 317, 2014 General Session

53-13-106.4 State and county sheriff law enforcement officers and federal employees -- Enforcement of federal laws and regulations by state and county sheriff officers.

A state law enforcement agency or a county sheriff may assist a federal agency or federal employee to enforce federal statutes and regulations on lands managed pursuant to 43 U.S.C. Secs. 1701-1736 and Secs. 1737-1782, Federal Land Policy Management Act, after the state law enforcement agency or a county sheriff has entered into an agreement authorized by Subsection 53-13-106.9(3).

Enacted by Chapter 317, 2014 General Session

53-13-106.6 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority to enforce the Federal Land Policy Management Act.

Notwithstanding Section 53-13-106.2, state and local law enforcement officers are authorized to recognize a federal employee's exercise of law enforcement authority to enforce the provisions of the Federal Land Policy Management Act on proprietary jurisdiction federally managed land, only if the exercise is consistent with the Constitution of the United States and based on:

- (1) a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or
- (2) a federal regulation that is:
 - (a) authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; and
 - (b) necessary to implement the provisions of the Federal Land Policy Management Act with respect to the management, use, and protection of the public lands, including the property located on those lands, as provided in 43 U.S.C. Sec. 1733(a).

Enacted by Chapter 317, 2014 General Session

53-13-106.7 State and local law enforcement officers and federal employees -- Exercise of federal law enforcement authority based on state law during emergency.

Notwithstanding Section 53-13-106.3, state and local law enforcement officers are authorized to recognize a federal employee's limited exercise of law enforcement authority on federally managed land in cases of a violation of a state or local statute, ordinance, regulation, or rule when:

- (1) the offense is an emergency and poses an immediate risk of bodily injury or damage to property;
- (2) a state, county, or municipal law enforcement officer is not reasonably available to take action;
- (3) the action is within the scope of the employee's or official's law enforcement power; and
- (4) the federal employee turns the matter, as well as the custody of any detained citizen, over to the state, county, or municipal law enforcement officer for further action as soon as the officer becomes available.

Enacted by Chapter 317, 2014 General Session

53-13-106.8 State and local law enforcement officers and federal employees -- Use of correctional and communication facilities.

State and local government agencies may not allow any federal agency access to or use of the correctional and communication facilities and equipment of any state or local law enforcement agency without the express written consent of the appropriate responsible official of the state or local law enforcement agency.

Enacted by Chapter 317, 2014 General Session

53-13-106.9 State and county sheriff law enforcement officers and federal employees -- Interagency agreements.

Notwithstanding Section 53-13-106.3:

- (1) County sheriffs may enter into agreements with federal agencies granting limited authority to specific federal employees to exercise law enforcement powers to enforce federal state and local laws, provided the agreements are limited to a term not to exceed two years and the officers granted authority have completed a 20-hour course focusing on Utah law and process approved by the director of the Peace Officer Standards and Training Division.
- (2) State law enforcement agencies may, with the consent of the local county sheriff, enter into agreements as described in Subsection (1), provided that the agreements may not exceed a duration of two years.
- (3) Local county sheriffs may enter into agreements with federal agencies requiring fair compensation for assisting a federal agency or federal employee to enforce federal statutes and regulations managed pursuant to 43 U.S.C. Secs. 1701-1736 and 43 U.S.C. Secs. 1737-1782, Federal Land Policy Management Act.

Enacted by Chapter 317, 2014 General Session

53-13-106.10 State and local law enforcement officers and federal employees -- Review by county sheriffs.

County sheriffs shall regularly review the duties and activities of federal agencies that have law enforcement responsibilities and that are acting within the jurisdictional area of the county to determine if the federal agencies are acting consistently with this section.

Enacted by Chapter 317, 2014 General Session

53-13-106.11 Agreement for local law enforcement to enforce federal law -- Legal recourse to enforce.

- (1) As used in this section:

- (a) "Bureau" means the Bureau of Land Management, within the department.
- (b) "Department" means the United States Department of the Interior.
- (2) The chief executive officer of a political subdivision or a county sheriff may, in accordance with Subsection (3), determine that the bureau's failure to enter into an agreement described in Subsection 53-13-106.9(3) violates the political subdivision's rights under 43 U.S.C. Sec. 1733(c)(1).
- (3) In evaluating whether a violation of 43 U.S.C. Sec. 1733(c)(1) has occurred, the chief executive officer of a political subdivision or a county sheriff may consider:
 - (a) whether the bureau or the department has, by the words or actions of an employee or agent of the bureau or department, effectively determined that assistance is necessary in enforcing federal laws and regulations relating to public lands or the resources of public lands;
 - (b) whether the bureau or the department has:
 - (i) offered to contract with appropriate officials of the political subdivision that have law enforcement authority in the political subdivision's jurisdiction; and
 - (ii) made an offer described in Subsection (3)(b)(i) with the view of achieving maximum feasible reliance upon local law enforcement officials in enforcing federal laws and regulations relating to public lands or the resources of public lands;
 - (c) whether the bureau or the department has negotiated on reasonable terms with local officials who have authority to enter into a contract described in Subsection (3)(b);
 - (d) whether the contract described in Subsection (3)(b) authorizes the local law enforcement officials and the local law enforcement officials' agents to:
 - (i) carry firearms;
 - (ii) execute and serve any warrant or other process issued by a court or officer of competent jurisdiction;
 - (iii) make arrests without a warrant or process for:
 - (A) a misdemeanor that a local law enforcement official or an agent of the local law enforcement official has reasonable grounds to believe is being committed in the local law enforcement official's or agent's presence or view; or
 - (B) a felony if a local law enforcement official or an agent of the local law enforcement official has reasonable grounds to believe that the person to be arrested has committed or is committing a felony;
 - (iv) search without a warrant or process any person, place, or conveyance, in accordance with federal law or rule of law; and
 - (v) seize without a warrant or process any evidentiary item as provided by federal law;
 - (e) whether the bureau or department has provided law enforcement training as the bureau or department determines is necessary in order to carry out the contracted responsibilities; and
 - (f) whether the local law enforcement officials and their agents will be guaranteed, under the contract, all immunities of federal law enforcement officials while exercising the powers and authorities granted in the contract.
- (4) If, after consulting with the attorney general, the chief executive officer of a political subdivision or a county sheriff makes the determination described in Subsection (2), the chief executive officer or county sheriff shall:
 - (a) in accordance with Subsection (5), serve notice of the determination on the bureau personally or by certified mail; and
 - (b) provide a copy of the notice described in Subsection (4)(a) to the governor, the attorney general, the state's congressional delegation, and the head of the department.
- (5) The notice described in Subsection (4) shall include:

- (a) a detailed explanation of the basis for determining that the bureau has violated 43 U.S.C. Sec. 1733(c)(1);
 - (b) a demand that the bureau and the department cease the violation and comply with 43 U.S.C. Sec. 1733(c)(1); and
 - (c) a specific date, no less than 30 days after the day on which the notice is served, by which time the bureau and the department shall:
 - (i) cease the violation and comply with 43 U.S.C. Sec. 1733(c)(1); or
 - (ii) provide the chief executive officer or county sheriff described in Subsection (4) with a plan for ceasing the violation and complying with 43 U.S.C. Sec. 1733(c)(1) that is reasonably acceptable to the political subdivision.
- (6) The chief executive officer of a political subdivision or a county sheriff may agree to a plan described in Subsection (5)(c)(ii).
- (7)
- (a) If, after the notice described in Subsections (4) and (5) is served, the bureau or the department does not respond by the date described in Subsection (5)(c) or otherwise indicate that the bureau or the department is unwilling to take action to cease the violation of 43 U.S.C. Sec. 1733(c)(1), the chief executive officer or county sheriff may, after consultation with the county attorney and the attorney general, pursue all available legal remedies.
 - (b) In seeking any emergency injunction for a violation of 43 U.S.C. Sec. 1733(c)(1), a chief executive officer of a political subdivision or a county sheriff shall attempt, to the extent possible, to coordinate with the state, the bureau, and the department.

Enacted by Chapter 383, 2016 General Session

53-13-106.12 Law enforcement actions exceeding jurisdiction over federal land -- Procedure for determination and legal recourse.

- (1) As used in this section:
- (a) "Bureau" means the Bureau of Land Management, within the department.
 - (b) "Department" means the United States Department of the Interior.
 - (c) "Jurisdictional authorization" means a federal law, or a rule or regulation adopted by the department or the bureau, that:
 - (i) relates to federal land administered by the bureau; and
 - (ii) has a logical nexus with a designated purpose of the federal land in question.
- (2) The chief executive officer of a political subdivision or a county sheriff may, in accordance with Subsection (3), determine that action of a law enforcement official of the bureau exceeds the bureau's jurisdictional authorization.
- (3) In evaluating whether the action described in Subsection (2) exceeds the bureau's jurisdictional authorization, the chief executive officer of a political subdivision or a county sheriff may consider:
- (a) the nature and seriousness of the action of the bureau's law enforcement official;
 - (b) the nature of the bureau's jurisdictional authorization;
 - (c) the policies, plans, and positions of the political subdivision and county sheriff in the affected county that are relevant to action taken by a law enforcement official of the bureau; and
 - (d) the extent and nature of any communications between the bureau, the political subdivision, and the county sheriff regarding:
 - (i) the actions of the bureau's law enforcement official;
 - (ii) the political subdivision's and county sheriff's policies, plans, and positions; or

- (iii) the terms and conditions of an agreement entered into and described in Section 53-13-106.9.
- (4) If, after consulting with the governor and the attorney general, the chief executive officer of a political subdivision or a county sheriff makes the determination described in Subsection (2), the chief executive officer or county sheriff shall:
 - (a) in accordance with Subsection (5), serve notice of the determination on the bureau personally or by certified mail; and
 - (b) provide a copy of the notice described in Subsection (4)(a) to the governor, the attorney general, the state's congressional delegation, and the head of the department.
- (5) The notice described in Subsection (4) shall include:
 - (a) a detailed explanation of the basis for determining that the actions of a law enforcement official of the bureau exceed the bureau's jurisdictional authority;
 - (b) a demand that the bureau and the department cease repetition of the law enforcement official's actions, and conform the official's future actions to the bureau's jurisdictional authority; and
 - (c) a specific date, no less than 30 days after the day on which the notice is served, by which time the bureau and the department shall:
 - (i) ensure that the bureau's law enforcement official keeps the law enforcement official's actions within the limits of the bureau's jurisdictional authority; or
 - (ii) provide the chief executive officer or county sheriff described in Subsection (4) with a plan for ensuring that the bureau's law enforcement official's actions will be kept within the limits of the bureau's jurisdictional authority.
- (6) The chief executive officer of a political subdivision or a county sheriff may agree to a plan described in Subsection (5)(c)(ii).
- (7)
 - (a) If, after the notice described in Subsections (4) and (5) is served, the bureau or the department does not respond by the date described in Subsection (5)(c) or otherwise indicates that the bureau or department is unwilling to comply with the demands described in Subsections (5)(b) and (c), the chief executive officer or county sheriff may, after consultation with the county attorney, the governor, and the attorney general, pursue all available legal remedies.
 - (b) In seeking any emergency injunction against the actions of a law enforcement official of the bureau that exceed the bureau's jurisdictional authority, a chief executive officer of a political subdivision or a county sheriff shall attempt, to the extent possible, to coordinate with the governor, the attorney general, and the department.

Enacted by Chapter 383, 2016 General Session

53-13-107 Basic training requirements for position -- Peace officers temporarily in the state.

- (1)
 - (a) Any person who has satisfactorily completed, before the effective date of this chapter, an approved basic training program required of the person's position may act in a certified capacity without completion of an additional basic training program.
 - (b) Any person hired, appointed, or elected to any position designated in this chapter, except federal officer, shall satisfactorily complete the required basic training required of that position before the person is authorized to exercise peace officer powers under this chapter.
- (2) Any peace officer employed by a law enforcement agency of another state and functioning in that capacity within Utah on a temporary basis is considered certified under Utah law:

- (a) while functioning as a peace officer within the state at the request of a Utah law enforcement agency; or
- (b) when conducting business as a representative of a law enforcement agency from another state.

Amended by Chapter 156, 2004 General Session

53-13-108 Retirement.

Eligibility for coverage under the Public Safety Contributory Retirement System or Public Safety Noncontributory Retirement System for persons and political subdivisions included in this chapter is governed by Title 49, Chapter 14, Public Safety Contributory Retirement Act, Chapter 15, Public Safety Noncontributory Retirement Act, and Chapter 23, New Public Safety and Firefighter Tier II Contributory Retirement Act.

Amended by Chapter 266, 2010 General Session

53-13-109 References in other provisions.

When the term peace officer is used in any other provision of law, the term includes anyone authorized to exercise authority as provided in this chapter, except federal officers.

Renumbered and Amended by Chapter 282, 1998 General Session

53-13-110 Duties to investigate specified instances of abuse or neglect.

In accordance with the requirements of Section 62A-4a-202.6, law enforcement officers shall investigate alleged instances of abuse or neglect of a child that occur while the child is in the custody of the Division of Child and Family Services, within the Department of Human Services.

Amended by Chapter 189, 2014 General Session

53-13-111 Peace officers serving in a reserve or auxiliary capacity.

- (1)
 - (a) Nothing in this chapter shall preclude any law enforcement agency of the state or any of its political subdivisions from utilizing a sworn and certified peace officer in a reserve or auxiliary capacity.
 - (b) A reserve or auxiliary officer has peace officer authority only while engaged in the reserve or auxiliary activities authorized by the chief or administrator of the agency the officer serves and shall only exercise that spectrum of peace officer authority:
 - (i) that the supervising agency is empowered to delegate; and
 - (ii) for which the officer has been trained and certified.
- (2) While serving as a nonpaid volunteer in a reserve or auxiliary capacity, or working part-time for fewer hours than that which would qualify the officer as an "employee" under state or federal law, a peace officer is entitled to benefits in accordance with Title 67, Chapter 20, Volunteer Government Workers Act.
- (3) The agency the reserve or auxiliary officer serves shall ensure that the officer meets the basic and in-service training requirements of the peace officer classification in which the officer will function.

Amended by Chapter 92, 1999 General Session

53-13-112 Auxiliary officer.

- (1) An auxiliary officer is a specific category of special function officer and is required to have the level of training of a special function officer as provided in Section 53-13-105, including no fewer than 40 hours per year of in-service training.
- (2) An auxiliary officer:
 - (a) shall work under the direction and immediate supervision of a certified law enforcement officer as defined in Section 53-13-103;
 - (b) is limited to the role of back-up officer to a law enforcement officer;
 - (c) may not initiate any action authorized for a law enforcement officer in Section 53-13-103; and
 - (d) may be separated from a law enforcement officer only under exigent circumstances or when engaged in functions not exclusive to law enforcement, which functions are defined by the division by rule.

Enacted by Chapter 92, 1999 General Session

53-13-113 Authority of peace officers to administer oaths.

A peace officer, as defined in Section 53-1-102, who is acting within the scope of his or her official duties may administer oaths.

Enacted by Chapter 127, 2000 General Session

53-13-114 Off-duty peace officer working as a security officer.

A peace officer may engage in off-duty employment as a security officer under Section 58-63-304 only if:

- (1) the law enforcement agency employing the peace officer:
 - (a) has a written policy regarding peace officer employees working while off-duty as security officers; and
 - (b) the policy under Subsection (1)(a) is:
 - (i) posted and publicly available on the appropriate city, county, or state website; or
 - (ii) posted on the Utah Public Notice Website created in Section 63F-1-701 if the law enforcement agency does not have access to a website under Subsection (1)(b)(i).
- (2) the agency's chief administrative officer, or that officer's designee, provides written authorization for an off-duty peace officer to work as a security officer; and
- (3) the business or entity employing the off-duty peace officer to work as a security officer complies with state and federal income reporting and withholding requirements regarding the off-duty officer's wages.

Amended by Chapter 196, 2012 General Session