

Senator Lyle W. Hillyard proposes the following substitute bill:

**PEACE OFFICER STATUS DURING
OLYMPICS**

2001 SECOND SPECIAL SESSION

STATE OF UTAH

Sponsor: Lyle W. Hillyard

This act modifies the Public Safety Code. The act creates a peace officer classification for Federal Olympic Officers. The act defines Federal Olympic Officers and grants them full-spectrum peace officer authority in the state during the limited time period of the 2002 Olympic Winter Games and the 2002 Paralympic Winter Games. The act also grants authority to out-of-state peace officers working in the state under the Olympic Public Safety Command. The act provides for an effective date.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53-13-106, as last amended by Chapter 296, Laws of Utah 2001

53-13-107, as renumbered and amended by Chapter 282, Laws of Utah 1998

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53-13-106** is amended to read:

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

(1) (a) "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 Customs Service, excluding a customs inspector;

(iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;

(v) a special agent of the Federal Drug Enforcement Agency;



26 (vi) a United States marshal, deputy marshal, and special deputy United States marshal;
27 and

28 (vii) a U.S. Postal Inspector of the United States Postal Inspection Service.

29 (b) Notwithstanding Subsection (2), federal officers listed in Subsection (1)(a) have
30 statewide law enforcement authority relating to felony offenses under the laws of this state.

31 (c) The council may designate other federal peace officers, as necessary, if the officers:

32 (i) are persons employed full-time by the United States government as federally recognized
33 law enforcement officers primarily responsible for the investigation and enforcement of the federal
34 laws;

35 (ii) have successfully completed formal law enforcement training offered by an agency of
36 the federal government consisting of not less than 400 hours; and

37 (iii) maintain in-service training in accordance with the standards set forth in Section
38 53-13-103.

39 (2) Except as otherwise provided under Title 63, Chapter 8, Federal Jurisdiction, and Title
40 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law enforcement
41 authority only if:

42 (a) the state law enforcement agencies and county sheriffs with jurisdiction enter into an
43 agreement with the federal agency to be given authority; and

44 (b) except as provided in Subsection (3) of this section, each federal officer employed by
45 the federal agency meets the waiver requirements set forth in Section 53-6-206.

46 (3) A federal officer working as such in the state on or before July 1, 1995, may exercise
47 state law enforcement authority without meeting the waiver requirement.

48 (4) At any time, consistent with any contract with a federal agency, a state or local law
49 enforcement authority may withdraw state law enforcement authority from any individual federal
50 officer by sending written notice to the federal agency and to the division.

51 (5) The authority of a federal officer under this section is limited to the jurisdiction of the
52 authorizing state or local agency, and may be further limited by the state or local agency to
53 enforcing specific statutes, codes, or ordinances.

54 (6) (a) As used in this section, "Federal Olympic Officer" means any federally sworn law
55 enforcement officer operating under the control of the United States Secret Service or the Olympic
56 Public Safety Command created in Section 53-12-201, beginning on January 1, 2002, and ending

57 at midnight on March 30, 2002.

58 (b) Federal Olympic Officers are exempt from the application of the provisions in
59 Subsection (1)(c), Subsection (2), and Subsection (3) of this section.

60 (c) To the extent permitted by federal law or regulation, and not withstanding any other
61 provision of this section, Federal Olympic Officers shall have full-spectrum peace officer authority
62 in Utah as though the officer or agent were an employee of the state, as provided in Subsection
63 53-13-103(3)(b).

64 Section 2. Section **53-13-107** is amended to read:

65 **53-13-107. Basic training requirements for position -- Peace officers temporarily in**
66 **the state.**

67 (1) (a) Any person who has satisfactorily completed, before the effective date of this
68 chapter, an approved basic training program required of the person's position may act in a certified
69 capacity without completion of an additional basic training program.

70 (b) Any person hired, appointed, or elected to any position designated in this chapter,
71 except federal officer, shall satisfactorily complete the required basic training required of that
72 position before the person is authorized to exercise peace officer powers under this chapter.

73 (2) Any peace officer employed by a law enforcement agency of another state and
74 functioning in that capacity within Utah on a temporary basis is considered certified under Utah
75 law:

76 (a) while functioning as a peace officer within the state at the request of a Utah law
77 enforcement agency; [or]

78 (b) when conducting business as a representative of a law enforcement agency from
79 another state[-]; or

80 (c) while functioning in a law enforcement capacity under the jurisdiction of the Olympic
81 Public Safety Command created in Section 53-12-201.

82 Section 3. **Effective date.**

83 If approved by two-thirds of all the members elected to each house, this act takes effect
84 upon approval by the governor, or the day following the constitutional time limit of Utah
85 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the
86 date of veto override.