

## H.B. 146

# LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY

SENATE FLOOR AMENDMENTS

AMENDMENT 3

MARCH 5, 2010 10:06 AM

Senator **Mark B. Madsen** proposes the following amendments:

1. *Page 1, Line 21*

*House Floor Amendments*

3-3-2010:

21 based on Utah law ~~H~~→ by federal agencies, as defined in this bill, , except as authorized by ~~{-this bill}~~ agreement with the appropriate state or local law enforcement agency ←~~H~~ ;

2. *Page 1, Line 24a*

*House Floor Amendments*

3-3-2010:

24a agency , as defined in this bill, may not be for

3. *Page 2, Line 54*

*House Floor Amendments*

3-3-2010:

54 (4) federal officers. ~~{, as limited by Sections 53-13-106 and 53-13-106.5}~~

4. *Page 3, Lines 67 through 71:*

67 (b) (i) ~~{Notwithstanding Subsection (2), federal}~~ Federal officers listed in Subsection  
(1)(a) have

68 ~~{+}~~ statewide ~~{+}~~ law enforcement authority relating to felony offenses under the laws of this state

69 ~~{only as established by agreement under Section 53-13-106.5}~~ . This Subsection (1)(b)(i) takes precedence over Subsection (2).

(ii) Federal agencies and federal employees as defined in Subsection 53-13-106.5(1) may exercise law enforcement authority related to felony offenses under Utah law only as established by an agreement under Subsection 53-13-106.5(7). This Subsection (1)(b)(ii) takes precedence over Subsection (2).

70 (c) The council may designate other federal peace officers, as necessary ~~{, and as limited~~

71 by Section 53-13-106.5} , if the officers:

5. *Page 5, Lines 122 through 123*

*a. House Floor Amendments*

b.3-3-2010:

122 Utah Administrative Rules, or county or municipal ordinances as a basis to arrest {~~—~~} or cite {~~—~~,or  
123 prosecute} persons for prosecution in the federal criminal justice system, unless the action:

6. *Page 5, Lines 126 through 132*

*a. House Floor Amendments*

*b.3-3-2010:*

126 {~~—(6)(a) Utah and its political subdivisions may choose to not comply with or implement~~  
127 ~~federal mandates which purport to require that state and local law enforcement agencies~~  
128 ~~enforce unconstitutional federal laws and related regulations, except as specifically provided in~~  
129 ~~Utah law and under Subsection (6)(b):~~

130 ~~—(b) This Subsection (6) does not prohibit state and local law enforcement agencies~~  
131 ~~from entering into contracts with the Secretary of Interior pursuant to 43 U.S.C. 1733(c)(1).}~~

132 {~~(7)~~} (6) State and local government agencies may not allow any federal agency access to or

7. *Page 5, Line 135*

*a. House Floor Amendments*

*b.3-3-2010:*

135 {~~(8)~~} (7) State and local law enforcement agencies may {~~not~~} enter into agreements with

8. *Page 5, Lines 137 through 138*

*a. House Floor Amendments*

*b.3-3-2010:*

137 {~~—unless~~} provided the agreements are limited to a term not to exceed ~~Ĥ~~→ [one year] two years ←~~Ĥ~~ .

138 {~~(9)~~} (8) (a) County sheriffs shall regularly review the duties and activities of federal

9. *Page 5, Line 143*

*House Floor Amendments*

*3-3-2010:*

143 their jurisdiction the results of all reviews conducted under this Subsection {~~(9)~~} (8) .