

H.B. 146

LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY

SENATE FLOOR AMENDMENTS

AMENDMENT 4

MARCH 10, 2010 2:46 PM

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*

House Floor Amendments

3-3-2010:

122 Utah Administrative Rules, or county or municipal ordinances as a basis to arrest {~~5~~} or cite {~~5~~,or
123 prosecute} persons for prosecution in the federal criminal justice system, unless the action:

6. *Page 5, Lines 125 through 131*

House Floor Amendments

3-3-2010:

125 (b) is consistent with the Constitution of the United States.
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):}

7. *Page 5, Lines 132 through 134*

House Floor Amendments

3-3-2010:

132 {~~(7)~~} (6) State and local government agencies may not allow any federal agency access to or
133 use of the correctional and communication facilities and equipment of any state or local law enforcement
agency without the
134 express written consent of the {~~head~~} appropriate responsible official of the state or local law
enforcement agency.

8. *Page 5, Line 135*

House Floor Amendments

3-3-2010:

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

9. *Page 5, Lines 137 through 138*

House Floor Amendments

3-3-2010:

137 {~~unless~~} provided the agreements are limited to a term not to exceed ~~1~~→ [one year] two years ←~~1~~ .
138 {~~(9)~~} (8) (a) County sheriffs shall regularly review the duties and activities of federal

10. *Page 5, Line 143*

House Floor Amendments

3-3-2010:

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