

PEACE OFFICER AGREEMENTS WITH FEDERAL AGENCIES

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Richard A. Greenwood

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies the chapter Peace Officer Classifications regarding the authority of federal officers within Utah.

Highlighted Provisions:

This bill:

- ▶ provides a definition of a federal agency and a federal employee;
- ▶ specifies the terms under which a federal agency may enter into an agreement with a county sheriff to enforce federal laws and state and local laws; and
- ▶ requires specified training for federal employees in order for them to participate in the agreement.

Money Appropriated in this Bill:

None

Other Special Clauses:

⚡→ ~~None~~ This bill coordinates with H.B. 149, Amendments to Federal Law

Enforcement Limitations, by providing substantive amendments. ⚡←

Utah Code Sections Affected:

AMENDS:

53-13-106, as last amended by Laws of Utah 2013, First Special Session, Chapter 4

⚡→ Utah Code Sections Affected by Coordination Clause:

53-13-106, as last amended by Laws of Utah 2013, First Special Session, Chapter 4 ⚡←

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



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

29 **53-13-106. Federal officers -- State law enforcement authority.**

30 (1) (a) "Federal agency" means:

31 (i) the ~~H~~→ **United States** ←~~H~~ Bureau of Land Management;

32 (ii) the United States Forest Service; ~~H~~→ [and] ←~~H~~

33 (iii) the National Park Service ~~H~~→ ;

33a (iv) the United States Fish and Wildlife Service;

33b (v) the United States Bureau of Reclamation;

33c (vi) the United States Environmental Protection Agency; and

33d (vii) the United States Army Corps of Engineers ←~~H~~ .

34 (b) "Federal employee" means an employee of a federal agency.

35 (c) "Federal officer" includes:

36 (i) a special agent of the Federal Bureau of Investigation;

37 (ii) a special agent of the United States Secret Service;

38 (iii) a special agent of the United States Department of Homeland Security, excluding a
39 customs inspector or detention removal officer;

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

41 (v) a special agent of the Drug Enforcement Administration;

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

43 and

44 (vii) a U.S. postal inspector of the United States Postal Inspection Service.

45 [~~(b)~~] (d) (i) Federal officers listed in Subsection (1)[~~(a)~~](c) have statewide law
46 enforcement authority relating to felony offenses under the laws of this state. This Subsection
47 (1)[~~(b)~~](d)(i) takes precedence over Subsection (2).

48 (ii) Federal agencies and federal employees may exercise law enforcement authority
49 related to misdemeanor and felony offenses under Utah law only as established by an
50 agreement as provided in Subsection (1)(d)(iii). This Subsection (1)[~~(b)~~](d)(ii) takes
51 precedence over Subsection (2).

52 (iii) County sheriffs may enter into agreements with federal agencies that allow
53 concurrent authority to enforce federal laws and state and local laws, provided that:

54 (A) the agreement is limited to a term of not more than two years; and

55 (B) the officers granted authority under the agreement have completed a 20-hour
56 training course that is focused on Utah criminal law and procedure and that is approved by the
57 director of the Peace Officer Standards and Training Division.

58 [~~(c)~~] (e) The council may designate other federal peace officers, as necessary, if the

59 officers:

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

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

65 (iii) maintain in-service training in accordance with the standards set forth in Section
66 53-13-103.

67 (2) Except as otherwise provided under Title 63L, Chapter 1, Federal Jurisdiction, and
68 Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law
69 enforcement authority only if:

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

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

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

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

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

81a **H→ Section 2. Coordinating H.B. 147 and H.B. 149 -- Substantive amendments.**

81b **If this H.B. 147 and H.B. 149, Amendments to Law Enforcement Limitations, both pass**
81c **and become law, the Legislature intends that the Office of Legislative Research and General**
81d **Counsel, in preparing the Utah Code database for publication, do the following:**

81e **(1) Amend Subsection 53-13-106(1)(d)(ii) to read:**

81f **"(ii) Federal agencies and federal employees may exercise law enforcement authority**
81g **related to misdemeanor and felony offenses under Utah law only as established by an agreement as**
81h **provided in Subsection (1)(d)(iii) and as provided in Section 53-13-106.9 or pursuant to**
81i **Section 53-13-106.7 . This Subsection (1)(b)(d)(ii) takes precedence over Subsection (2)."**

81j **(2) Amend Subsection 53-13-106(1)(d)(iii) to read:**

81k **"(iii) [County] Consistent with Section 53-13-106.9, county sheriffs may enter into**
81l **agreements with federal agencies that allow concurrent authority to enforce federal laws and state and**
81m **local laws, provided that:" ←H**

Legislative Review Note
as of 2-17-14 8:23 AM

Office of Legislative Research and General Counsel