

Effective 5/13/2014

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)