

1 **PEACE OFFICER STATUS DURING**
2 **OLYMPICS**

3 2001 SECOND SPECIAL SESSION
4 STATE OF UTAH

5 **Sponsor: Lyle W. Hillyard**

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

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

13 AMENDS:

14 **53-13-106**, as last amended by Chapter 296, Laws of Utah 2001

15 **53-13-107**, as renumbered and amended by Chapter 282, Laws of Utah 1998

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

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

18 **53-13-106. Federal officers -- State law enforcement authority -- Federal Olympic**
19 **Officer.**

20 (1) (a) "Federal officer" includes:

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

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

23 (iii) a special agent of the United States Customs Service, excluding a customs inspector;

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

25 (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), and except as otherwise authorized under Subsection
30 (6), federal officers listed in Subsection (1)(a) have statewide law enforcement authority relating
31 to felony offenses under the laws of this state.

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

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

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

38 (iii) maintain in-service training in accordance with the standards set forth in Section
39 53-13-103.

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

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

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

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

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

52 (5) ~~[The]~~ Except as allowed under Subsection (6), the authority of a federal officer under
53 this section is limited to the jurisdiction of the authorizing state or local agency, and may be further
54 limited by the state or local agency to enforcing specific statutes, codes, or ordinances.

55 (6) (a) Beginning January 1, 2002 and ending at midnight on March 30, 2002, the
56 following shall be considered "Federal Olympic Officers":

57 (i) federal law enforcement officers and agents who are employed full time between
58 January 1, 2002 and March 30, 2002 by the Federal Bureau of Investigation, the United States

59 Secret Service, the United States Customs Service, other than customs inspectors, the Bureau of
60 Alcohol Tobacco and Firearms, the Drug Enforcement Administration, and the United States
61 Marshals Service, including Special Deputy United States Marshals, and are assigned to duty in
62 Utah in connection with the 2002 Olympic Winter Games, including the 2002 Paralympic Winter
63 Games; or

64 (ii) federal law enforcement officers and agents who are employed full time between
65 January 1, 2002 and March 30, 2002 by a federal agency, bureau, or department with authority to
66 investigate and enforce federal law, who are certified by the POST Council as provided in
67 Subsection (6)(d), and who are assigned to duty in Utah in connection with the 2002 Olympic
68 Winter Games, including the 2002 Paralympic Winter Games.

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

71 (c) To the extent permitted by federal law or regulation, Federal Olympic Officers shall
72 have full-spectrum peace officer authority in Utah as though the officer or agent were an employee
73 of the state, as provided in Subsection 53-13-103(3)(b).

74 (d) A federal officer or agent is eligible for certification by POST as a Federal Olympic
75 Officer as required in Subsection (6)(a)(ii) upon satisfaction of the following requirements:

76 (i) the officer or agent has, prior to January 1, 2001, successfully completed formal law
77 enforcement training offered by an agency of the federal government and which is acceptable to
78 POST;

79 (ii) the officer or agent has received inservice or other equivalent training sufficient to
80 satisfy POST that the officer or agent is able to perform up to reasonable and current professional
81 standards; and

82 (iii) the United States Secret Service, with the concurrence of the Olympic law
83 enforcement commander, files a written declaration with POST stating:

84 (A) that the officer or agent is required for duties in Utah in connection with the 2002
85 Olympic Winter Games or 2002 Paralympic Winter Games;

86 (B) that the services of the agent or officer are required in Utah during the Olympic period,
87 January 1, 2002 through March 30, 2002; and

88 (C) that the United States Secret Service and the Olympic law enforcement commander
89 will share joint and several responsibility for supervising and directing the work of the agents and

90 officers certified for purposes of this section.

91 (e) The United States Secret Service and the Olympic law enforcement commander may
92 submit a single declaration or multiple declarations listing the names of the federal officers or
93 agents who the United States Secret Service and Olympic law enforcement commander intend for
94 the POST Council to recognize for purposes of Subsection (6)(d).

95 (f) At midnight on March 30, 2002, unless otherwise authorized by law, the Federal
96 Olympic Officer category will cease to exist and all authority specially created in this Subsection
97 (6) in connections with the category will terminate.

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

99 **53-13-107. Basic training requirements for position -- Peace officers temporarily in**
100 **the state.**

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

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

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

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

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

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

116 Section 3. **Effective date.**

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

Legislative Review Note
as of 9-25-01 8:44 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel