

**LAW ENFORCEMENT AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Carol Spackman Moss**

---

---

**LONG TITLE**

**General Description:**

This bill updates public safety law references regarding federal homeland security agents and officers operating during the Olympics.

**Highlighted Provisions:**

This bill:

- ▶ updates the reference to federal Customs Service agents to refer to Department of Homeland Security agents; and
- ▶ removes references to "federal Olympic officers" that are no longer applicable.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-13-106**, as last amended by Chapter 11, Laws of Utah 2001, Second Special Session

---

---

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

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

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

(1) (a) "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 [~~Customs Service~~] 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 Federal Drug Enforcement Agency;
- (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.

(b) Notwithstanding Subsection (2), federal officers listed in Subsection (1)(a) have statewide law enforcement authority relating to felony offenses under the laws of this state.

- (c) 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 63, Chapter 8, 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) [~~of this section~~], 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.

~~[(6) (a) As used in this section, "Federal Olympic Officer" means any federally sworn law enforcement officer operating under the control of the United States Secret Service or the Olympic Public Safety Command created in Section 53-12-201, beginning on January 1, 2002, and ending at midnight on March 30, 2002.]~~

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

~~[(c) To the extent permitted by federal law or regulation, and notwithstanding any other provision of this section, Federal Olympic Officers shall have full-spectrum peace officer authority in Utah as though the officer or agent were an employee of the state, as provided in Subsection 53-13-103(3)(b).]~~