

**LAW ENFORCEMENT AMENDMENTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Carl Wimmer**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Public Safety Code regarding the authority of federal law enforcement officers to act on state land.

**Highlighted Provisions:**

This bill:

▶ amends state provisions regarding the authority of federal officers to enforce state law on state land by specifying federal officers may not enforce laws regarding trespass or uses of agricultural land.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-13-102**, as renumbered and amended by Laws of Utah 1998, Chapter 282

**53-13-106**, as last amended by Laws of Utah 2008, Chapter 382

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

Section 1. Section **53-13-102** is amended to read:

**53-13-102. Peace officer classifications.**



28 The following officers may exercise peace officer authority only as specifically  
29 authorized by law:

- 30 (1) law enforcement officers;
- 31 (2) correctional officers;
- 32 (3) special function officers; and
- 33 (4) federal officers, as limited by Subsection 53-13-106(2).

34 Section 2. Section **53-13-106** is amended to read:

35 **53-13-106. Federal officers -- State law enforcement authority.**

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

- 37 (i) a special agent of the Federal Bureau of Investigation;
- 38 (ii) a special agent of the United States Secret Service;
- 39 (iii) a special agent of the United States Department of Homeland Security, excluding a  
40 customs inspector or detention removal officer;
- 41 (iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;
- 42 (v) a special agent of the Drug Enforcement Administration;
- 43 (vi) a United States marshal, deputy marshal, and special deputy United States marshal;

44 and

45 (vii) a U.S. Postal Inspector of the United States Postal Inspection Service.

46 (b) Notwithstanding Subsection (2), federal officers listed in Subsection (1)(a) have  
47 [~~statewide~~] law enforcement authority on state property and local subdivision property only

48 relating to [~~felony~~] offenses under the laws of this state[-] that:

49 (i) are felonies under state law; and

50 (ii) are not offenses that involve:

51 (A) trespass on public property; or

52 (B) agricultural property.

53 (c) The council may designate other federal peace officers, as necessary and as limited  
54 by Subsection (2), if the officers:

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

58 (ii) have successfully completed formal law enforcement training offered by an agency

59 of the federal government consisting of not less than 400 hours; and

60 (iii) maintain in-service training in accordance with the standards set forth in Section  
61 53-13-103.

62 (2) Except as otherwise provided under Title 63L, Chapter [8] 1, Federal Jurisdiction,  
63 and Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law  
64 enforcement authority only if:

65 (a) the state law enforcement agencies and county sheriffs with jurisdiction enter into  
66 ~~[an]~~ a written agreement with the federal agency to be given authority; and

67 (b) ~~[except as provided in Subsection (3);]~~ each federal officer employed by the federal  
68 agency meets the waiver requirements ~~[set forth]~~ in Section 53-6-206.

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

71 ~~[(4)]~~ (3) At any time, consistent with any contract with a federal agency, a state or local  
72 law enforcement authority may withdraw state law enforcement authority from any individual  
73 federal officer by sending written or electronic notice to the federal agency and to the division.

74 ~~[(5)]~~ (4) The authority of a federal officer under this section ~~[is]~~:

75 (a) is limited by Subsection (2);

76 (b) is additionally limited to the jurisdiction of the authorizing state or local agency~~[-];~~

77 and

78 (c) may be further limited by the state or local agency to enforcing specific ~~[statutes,  
79 codes, or]~~ state law or local ordinances.

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**Legislative Review Note**  
as of 11-16-09 6:40 AM

**Office of Legislative Research and General Counsel**

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**H.B. 264 - Law Enforcement Amendments**

**Fiscal Note**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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