

28 Land Management employee to exercise law enforcement authority under state, local, or
 29 federally assimilated law unless:

30 • the offense is a violation of ~~H→~~ **an enacted** ~~←H~~ federal law ~~H→~~ **that is not an**
 30a **assimilation of a state law** ~~←H~~ and ~~H→~~ **that** ~~←H~~ is ~~H→~~ **also** ~~←H~~ consistent with the federal
 31 constitution; or

32 • there is an emergency, and state or local officers are not reasonably available ~~H→~~ ,
 32a **and the employee is acting under constitutional federal law that is not an assimilation of state**
 32b **law** ~~←H~~ ;

33 ▶ provides that employees of the United States Bureau of Land Management may not
 34 take action regarding any state or local Utah law or federal provision that is an
 35 assimilation of Utah law unless there is an emergency and a state or local law
 36 enforcement officer is not available to take action;

37 ▶ provides that ~~H→~~ **[state and]** ~~←H~~ local law enforcement agencies may enter into
 37a agreements
 38 with federal agencies, but with limited, rather than concurrent, authority ~~H→~~ , **and provides that**
 38a **state authorities may enter into agreements with the consent of the local county sheriff** ~~←H~~ ;
 38b and

39 ▶ provides that if an employee of the United States Bureau of Land Management acts
 40 under an assimilated law other than as specified regarding an emergency, the officer
 41 is guilty of impersonation of a peace officer.

42 **Money Appropriated in this Bill:**

43 None

44 **Other Special Clauses:**

45 None

46 **Utah Code Sections Affected:**

47 AMENDS:

48 **53-13-106**, as last amended by Laws of Utah 2010, Chapter 411

49 **53-13-106.5**, as enacted by Laws of Utah 2010, Chapter 411

50 **76-8-512**, as last amended by Laws of Utah 1991, Chapter 210

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

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

54 **53-13-106. Federal officers -- State law enforcement authority.**

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

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

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

58 (iii) a special agent of the United States Department of Homeland Security, excluding a

152 exercise of the authority:

153 (i) occurs before the United States Secretary of the Interior has achieved the maximum
 154 feasible reliance upon the county's law enforcement officials in enforcing federal laws and
 155 regulations for the management, use, and protection of lands managed by the United States
 156 Bureau of Land Management, as required under 43 U.S.C. Sec. 1733(c)(2); or

157 (ii) goes beyond those powers strictly necessary for the management, use, and
 158 protection of federally managed lands, including property located on these lands, as limited by
 159 43 U.S.C. Sec. 1733(a) [~~and 1733(c)(2)~~].

160 (b) As required by Congress in 43 U.S.C. Sec. 1733(c)(1), when the Secretary of
 161 Interior determines that state or local assistance is necessary in enforcing federal laws and
 162 regulations relating to federally managed lands or the resources on those lands, the secretary
 163 shall offer a contract to appropriate state or local law enforcement agencies of the state with the
 164 purpose of achieving maximum feasible reliance upon state or local law enforcement officials
 165 in enforcing the federal laws and regulations.

166 (5) Utah does not authorize federal employees to take action based on the Utah Code,
 167 Utah Administrative Rules, or county or municipal ordinances as a basis to ~~H→~~ **stop, detain,** ~~←H~~
 167a ~~arrest H→, ←H~~ or cite
 168 persons for prosecution in the federal criminal justice system, unless the action:

169 (a) has been expressly granted by federal statute; and

170 (b) is consistent with the Constitution of the United States.

171 (6) The authority of a United States Forest Service employee who is not a trained and
 172 certified law enforcement officer and the authority of any employee of the United States
 173 Bureau of Land Management to take action based on the Utah Code, Utah Administrative
 174 Rules, or county or municipal ordinances, or a federal assimilation of any of these provisions,
 175 as a basis to ~~H→~~ **stop, detain,** ~~←H~~ arrest ~~H→~~, ~~←H~~ or cite persons for prosecution in the federal
 175a criminal justice system, is not
 176 recognized, unless:

177 (a) (i) the authority for the action has been expressly granted by an enacted federal
 178 statute and not by assimilation of any state laws or ordinances; and

179 (ii) is consistent with the Constitution of the United States; or

180 (b) (i) the offense is an emergency ~~H→~~ [~~or~~] ~~and~~ ~~←H~~ poses an immediate risk of bodily
 180a injury or

181 damage to property; ~~H→~~ [~~and~~] ~~←H~~

182 (ii) a state, county, or municipal law enforcement officer is not reasonably available to

183 take action ~~H→~~ ; and

183a (iii)(A) the action is within the scope of the employee's or official's law enforcement
 183b power under a federal law that is enacted and that is not an assimilation of a state law or
 183c ordinance; and

183d (B) the authorizing federal law is consistent with the Constitution of the United States ~~←H~~ .

184 ~~[(6)]~~ (7) State and local government agencies may not allow any federal agency access
 185 to or use of the correctional and communication facilities and equipment of any state or local
 186 law enforcement agency without the express written consent of the appropriate responsible
 187 official of the state or local law enforcement agency.

188 ~~[(7)]~~ (8) ~~H→~~ ~~[State and local]~~ (a) Local ~~←H~~ law enforcement agencies may enter into
 188a agreements with
 189 federal agencies granting ~~[concurrent]~~ limited authority to specific federal employees to
 190 exercise law enforcement powers to enforce federal laws and state and local laws, provided the
 191 agreements are limited to a term not to exceed two years.

191a ~~H→~~ (b) State law enforcement agencies may, with the consent of the local county
 191b sheriff, enter into agreements as described in Subsection (8)(a), provided that the agreements
 191c may not exceed a duration of two years. ~~←H~~

192 ~~[(8)]~~ (9) ~~H→~~ ~~[(a)]~~ ~~←H~~ County sheriffs shall regularly review the duties and activities of
 192a federal
 193 agencies that have law enforcement responsibilities and that are acting within the jurisdictional
 194 area of the county to ~~[ascertain whether]~~ determine if the federal agencies are acting
 195 consistently with this section.

196 ~~H→~~ ~~[(b) County sheriffs shall annually report to the county attorney or district attorney of~~
 197 ~~their jurisdiction the results of all reviews conducted under this Subsection [(8)](9).]~~ ~~←H~~

198 Section 3. Section 76-8-512 is amended to read:

199 **76-8-512. Impersonation of officer.**

200 A person is guilty of a class B misdemeanor who:

201 (1) impersonates a public servant or a peace officer with intent to deceive another or
 202 with intent to induce another to submit to ~~[his]~~ the person's pretended official authority or to
 203 rely upon ~~[his]~~ the person's pretended official act;

204 (2) falsely states ~~[he]~~ the person is a public servant or a peace officer with intent to
 205 deceive another or to induce another to submit to ~~[his]~~ the person pretended official authority
 206 or to rely upon ~~[his]~~ the person's pretended official act; or

207 (3) displays or possesses without authority any badge, identification card, other form of
 208 identification, any restraint device, or the uniform of any state or local governmental entity, or a
 209 reasonable facsimile of any of these items, with the intent to deceive another or with the intent
 210 to induce another to submit to ~~[his]~~ the person's pretended official authority or to rely upon
 211 ~~[his]~~ the person's pretended official act[-]; or

212 (4) exercises law enforcement authority in violation of Section 53-13-106.5 and is an
 213 employee of the: