

**Representative Michael E. Noel** proposes the following substitute bill:

**LAW ENFORCEMENT MODIFICATIONS**

2013 FIRST SPECIAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael E. Noel**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill modifies sections of the Utah Code that were amended by H.B. 155, Federal Law Enforcement Amendments, and repeals all other provisions of Section 53-13-106.5.

**Highlighted Provisions:**

This bill:

- ▶ removes all provisions enacted by H.B. 155, Federal Law Enforcement Amendments (2013 General Session), modifies Sections 53-13-106 and 76-8-512 to remove amendments that were made by the enactment of H.B. 155, and repeals Section 53-13-106.5.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides an immediate effective date.

**Utah Code Sections Affected:**

AMENDS:

**53-13-106**, as last amended by Laws of Utah 2013, Chapters 115 and 475

**76-8-512**, as last amended by Laws of Utah 2013, Chapter 475



26 REPEALS:

27 **53-13-106.5**, as last amended by Laws of Utah 2013, Chapters 115 and 475

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

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

31 **53-13-106. Federal officers -- State law enforcement authority.**

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

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

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

35 (iii) a special agent of the United States Department of Homeland Security, excluding a  
36 customs inspector or detention removal officer;

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

38 (v) a special agent of the Drug Enforcement Administration;

39 (vi) a United States marshal, deputy marshal, and special deputy United States marshal;

40 and

41 (vii) a ~~[United States]~~ U.S. postal inspector of the United States Postal Inspection  
42 Service.

43 (b) (i) Federal officers listed in Subsection (1)(a) have statewide law enforcement  
44 authority relating to felony offenses under the laws of this state. This Subsection (1)(b)(i) takes  
45 precedence over Subsection (2).

46 (ii) Federal agencies and federal employees ~~[as defined in Subsection 53-13-106.5(1)]~~  
47 may exercise law enforcement authority related to misdemeanor and felony offenses under  
48 Utah law only as ~~[authorized by and in accordance with Subsections 53-13-106.5(2) through~~  
49 ~~(8)]~~ established by an agreement. This Subsection (1)(b)(ii) takes precedence over Subsection  
50 (2).

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

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

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

57 (iii) maintain in-service training in accordance with the standards set forth in Section  
58 53-13-103.

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

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

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

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

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

71 (5) The authority of a federal officer under this section is limited to the jurisdiction of  
72 the authorizing state or local agency, and may be further limited by the state or local agency to  
73 enforcing specific statutes, codes, or ordinances.

74 Section 2. Section **76-8-512** is amended to read:

75 **76-8-512. Impersonation of officer.**

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

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

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

83 (3) displays or possesses without authority any badge, identification card, other form of  
84 identification, any restraint device, or the uniform of any state or local governmental entity, or a  
85 reasonable facsimile of any of these items, with the intent to deceive another or with the intent  
86 to induce another to submit to [~~the person's~~] his pretended official authority or to rely upon the  
87 [~~person's~~] his pretended official act[ ~~or~~].

88           ~~[(4) exercises law enforcement authority in violation of Section 53-13-106.5 and is an~~  
89 ~~employee of the:]~~

90           ~~[(a) United States Bureau of Land Management; or]~~

91           ~~[(b) (i) United States Forest Service; and]~~

92           ~~[(ii) is not a certified law enforcement officer.]~~

93           Section 3. **Repealer.**

94           This bill repeals:

95           Section **53-13-106.5, State limitations on functions of federal law enforcement**

96 **officers.**

97           Section 4. **Effective date.**

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