

H.B. 149

AMENDMENTS TO FEDERAL LAW ENFORCEMENT LIMITATIONS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 4, 2014 4:15 PM

Representative **Michael E. Noel** proposes the following amendments:

1. Page 1, Lines 14 through 15:

14 { ~~→ modifies current law regarding state and local law enforcement officers' recognition~~
15 ~~of law enforcement authority by federal agencies and employees;~~ }

2. Page 2, Line 37

House Committee Amendments

2-27-2014:

37 ~~▶~~ allows { ~~local law enforcement agencies~~ } county sheriffs ~~to enter into agreements with~~
federal agencies

3. Page 2, Lines 45 through 46

House Committee Amendments

2-27-2014:

45 { ~~AMENDS:~~ }
46 { ~~53-13-106, as last amended by Laws of Utah 2013, First Special Session, Chapter 4~~ }

4. Page , Line 59 through Page 4, Line 103:

59 { ~~Section 1. Section 53-13-106 is amended to read:~~
60 ~~53-13-106. Federal officers -- State law enforcement authority.~~
61 ~~(1) (a) "Federal officer" includes:~~
62 ~~(i) a special agent of the Federal Bureau of Investigation;~~
63 ~~(ii) a special agent of the United States Secret Service;~~
64 ~~(iii) a special agent of the United States Department of Homeland Security, excluding a~~
65 ~~customs inspector or detention removal officer;~~
66 ~~(iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;~~
67 ~~(v) a special agent of the Drug Enforcement Administration;~~
68 ~~(vi) a United States marshal, deputy marshal, and special deputy United States marshal;~~
69 ~~and~~
70 ~~(vii) a U.S. postal inspector of the United States Postal Inspection Service.~~
71 ~~(b) (i) Federal officers listed in Subsection (1)(a) have statewide law enforcement~~
72 ~~authority relating to felony offenses under the laws of this state. This Subsection (1)(b)(i) takes~~

73 precedence over Subsection (2):
74 ~~—— (ii) [Federal] Subject to Sections 53-13-106.1 through 53-13-106.10, state and local~~
75 ~~law enforcement officers are authorized to recognize the exercise of law enforcement authority~~
76 ~~by federal agencies and federal employees [may exercise law enforcement authority related to~~
77 ~~misdemeanor and felony offenses under Utah law only as established by an agreement] as~~
78 ~~defined in Section 53-13-106.1. This Subsection (1)(b)(ii) takes precedence over Subsection~~
79 ~~(2):~~
80 ~~—— (c) The council may designate other federal peace officers, as necessary, if the officers:~~
81 ~~—— (i) are persons employed full-time by the United States government as federally~~
82 ~~recognized law enforcement officers primarily responsible for the investigation and~~
83 ~~enforcement of the federal laws;~~
84 ~~—— (ii) have successfully completed formal law enforcement training offered by an agency~~
85 ~~of the federal government consisting of not less than 400 hours; and~~
86 ~~—— (iii) maintain in-service training in accordance with the standards set forth in Section~~
87 ~~53-13-103.~~
88 ~~—— (2) Except as otherwise provided under Title 63L, Chapter 1, Federal Jurisdiction, and~~
89 ~~Title 77, Chapter 9, Uniform Act on Fresh Pursuit, a federal officer may exercise state law~~
90 ~~enforcement authority only if:~~
91 ~~—— (a) the state law enforcement agencies and county sheriffs with jurisdiction enter into~~
92 ~~an agreement with the federal agency to be given authority; and~~
93 ~~—— (b) except as provided in Subsection (3), each federal officer employed by the federal~~
94 ~~agency meets the waiver requirements set forth in Section 53-6-206.~~
95 ~~—— (3) A federal officer working as such in the state on or before July 1, 1995, may~~
96 ~~exercise state law enforcement authority without meeting the waiver requirement.~~
97 ~~—— (4) At any time, consistent with any contract with a federal agency, a state or local law~~
98 ~~enforcement authority may withdraw state law enforcement authority from any individual~~
99 ~~federal officer by sending written notice to the federal agency and to the division.~~
100 ~~—— (5) The authority of a federal officer under this section is limited to the jurisdiction of~~
101 ~~the authorizing state or local agency, and may be further limited by the state or local agency to~~
102 ~~enforcing specific statutes, codes, or ordinances.]~~

103 Section {2} 1. . Section 53-13-106.1 is enacted to read:

5. Page 5, Line 150:

150 Section {-3} 2. . Section 53-13-106.2 is enacted to read:

6. Page 6, Line 167

House Committee Amendments

2-27-2014:

167 Section {-4} (3) . Section 53-13-106.3 is enacted to read:

7. Page 6, Lines 174 through 177
a. House Committee Amendments
b. 2-27-2014:

174 Section ~~{-5}~~ (4) . Section **53-13-106.4** is enacted to read:
175 53-13-106.4. State and ~~{-local}~~ county sheriff law enforcement officers and federal employees
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176 Enforcement of federal laws and regulations by state and ~~{-local}~~ county sheriff officers.
177 A state ~~{-or local}~~ law enforcement agency or a county sheriff ~~is authorized to~~ may ~~assist a~~

8. Page 7, Line 186
House Committee Amendments
2-27-2014:

186 ~~the state~~ ~~{-or local}~~ law enforcement agency or a county sheriff has ~~complied~~
with entered into

9. Page 7, Line 187
House Committee Amendments
2-27-2014:

187 Section ~~{-6}~~ 5 . Section **53-13-106.6** is enacted to read:

10. Page 7, Line 194
House Committee Amendments
2-27-2014:

194 managed land, only if ~~{-such}~~ the exercise is consistent with the Constitution of the United States and

11. Page 7, Line 203
House Committee Amendments
2-27-2014:

203 Section ~~{-7}~~ 6 . Section **53-13-106.7** is enacted to read:

12. Page 8, Line 219
House Committee Amendments
2-27-2014:

219 Section ~~{-8}~~ 7 . Section **53-13-106.8** is enacted to read:

13. Page 8, Lines 226 through 227

House Committee Amendments

2-27-2014:

226 Section ~~{-9}~~ 8 . Section **53-13-106.9** is enacted to read:

227 53-13-106.9. State and ~~{local law}~~ county sheriff law enforcement officers and federal employees --

14. Page 8, Line 230

House Committee Amendments

2-27-2014:

230 (1) ~~{Local law enforcement agencies}~~ County sheriffs may enter into agreements with federal agencies

15. Page 8, Line 238a

House Committee Amendments

2-27-2014:

238a H→ (3) ~~{Local law enforcement agencies}~~ Local county sheriffs may enter into agreements with federal

16. Page 8, Line 239

House Committee Amendments

2-27-2014:

239 Section ~~{-10}~~ 9 . Section **53-13-106.10** is enacted to read: