

H.B. 391

LAW ENFORCEMENT REVISIONS

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

1. *Page 4, Lines 108 through 119:*

108 (b) "Department" means the United States Department of the Interior.

109 {~~(c) "Proprietary federal land" means land to which the federal government:~~

110 ~~(i) has acquired right or title; and~~

111 ~~(ii) has not obtained any of the state's authority over the land.}~~

(c) "Jurisdictional authorization" means a federal law, or a rule or regulation adopted by the department or the bureau, that:

(i) relates to federal land administered by the bureau; and

(ii) has a logical nexus with a designated purpose of the federal land in question.

112 (2) The chief executive officer of a political subdivision or a county sheriff may, in

113 accordance with Subsection (3), determine that action of a law enforcement official of the

114 bureau {~~in relation to proprietary federal land.~~} exceeds the bureau's

{~~jurisdiction~~} jurisdictional authorization .

115 (3) In evaluating whether the action described in Subsection (2) exceeds the bureau's

116 {~~jurisdiction in relation to proprietary federal land~~} jurisdictional authorization , the chief

executive officer of a political

117 subdivision or a county sheriff may consider:

118 (a) the nature and seriousness of the action of the bureau's law enforcement official;

119 (b) the nature of the bureau's {~~jurisdiction in relation to the proprietary federal~~

~~land~~} jurisdictional authorization ;

2. *Page 5, Lines 123 through 127:*

123 (d) the extent and nature of any communications between the bureau, the political

124 subdivision, and the county sheriff regarding:

125 (i) the actions of the bureau's law enforcement official; {~~or~~}

126 (ii) the political subdivision's and county sheriff's policies, plans, and positions {~~.~~} ; or

(iii) the terms and conditions of an agreement entered into and described in Subsection 53-13-106.9.

127 (4) If, after consulting with the governor and the attorney general, the chief executive officer of a

3. *Page 5, Lines 134 through 148:*

134 (5) The notice described in Subsection (4) shall include:

135 (a) a detailed explanation of the basis for determining that the actions of a law
136 enforcement official of the bureau exceed the bureau's {jurisdiction in relation to the
137 proprietary federal land} jurisdictional authority ;
138 (b) a demand that the bureau and the department cease repetition of the law
139 enforcement official's actions, and conform the official's future actions to the bureau's
140 {jurisdiction in relation to the affected proprietary federal land} jurisdictional authority ; and
141 (c) a specific date, no less than 30 days after the day on which the notice is served, by
142 which time the bureau and the department shall:
143 (i) ensure that the bureau's law enforcement official keeps the law enforcement
144 official's actions within the limits of the bureau's {jurisdiction in relation to the affected
145 proprietary federal land} jurisdictional authority ; or
146 (ii) provide the chief executive officer or county sheriff described in Subsection (4)
147 with a plan for ensuring that the bureau's law enforcement official's actions will be kept within
148 the limits of the bureau's {jurisdiction in relation to the affected proprietary federal
land} jurisdictional authority .

4. Page 6, Lines 154 through 159:

154 Subsections (5)(b) and (c), the chief executive officer or county sheriff may, after consultation
155 with the county attorney , the governor, and the attorney general, pursue all available legal remedies.
156 (b) In seeking any emergency injunction against the actions of a law enforcement
157 official of the bureau that exceed the bureau's {jurisdiction in relation to proprietary federal
158 land} jurisdictional authority , a chief executive officer of a political subdivision or a county sheriff
shall attempt, to the
159 extent possible, to coordinate with the {state, the bureau} governor, the attorney general , and the
department.