

LAW ENFORCEMENT AGREEMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Christine F. Watkins

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies state and tribal jurisdiction provisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a presidential townsite with Indian land may enter into an agreement with the local county sheriff, an Indian tribe, and the Bureau of Indian Affairs;
- ▶ provides that the agreement shall grant authority to individuals certified by the Bureau of Indian Affairs to enforce state and local misdemeanor and felony offenses on lands within the presidential townsite with Indian land;
- ▶ includes training requirements; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

9-2-214, Utah Code Annotated 1953



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

29 Section 1. Section **9-2-214** is enacted to read:

30 **9-2-214. Law enforcement in presidential townsites.**

31 (1) As used in this section:

32 (a) "Agents of the Bureau of Indian Affairs" means individuals the Bureau of Indian
33 Affairs has empowered to enforce federal statutes in Indian land under 25 U.S.C. Sec. 2802 or
34 25 U.S.C. Sec. 2804.

35 (b) "Bureau of Indian Affairs" means the Bureau of Indian Affairs within the United
36 States Department of the Interior.

37 (c) "Indian land" means land that qualifies as "Indian country" under 18 U.S.C. Sec.
38 1151.

39 (d) "Indian tribe" or "tribe" means an Indian tribe included in the list of federally
40 recognized Indian tribes under 25 U.S.C. Sec. 5131.

41 (e) "Non-Indian land" means land that does not qualify as "Indian country" under 18
42 U.S.C. Sec. 1151.

43 (f) "Presidential townsite with Indian land" means a municipality incorporated under
44 the laws of the state:

45 (i) created by presidential proclamation pursuant to Sections 2380 and 2381 of the
46 Revised Statutes of the United States, Act of Congress of March 3, 1863, 12 Stat. 754; and

47 (ii) encompassing Indian land and non-Indian land within its municipal boundaries.

48 (2) A presidential townsite with Indian Land may enter into an agreement that grants
49 authority to agents of the Bureau of Indian Affairs to enforce all applicable state and local
50 misdemeanor and felony offenses on all lands within the presidential townsite with Indian land,
51 provided that each of the following shall be party to the agreement:

52 (a) the presidential townsite with Indian land;

53 (b) the local county sheriff;

54 (c) the Indian tribe with jurisdiction over Indian lands within the presidential townsite
55 with Indian land; and

56 (d) the Bureau of Indian Affairs.

57 (3) An agreement entered into under Subsection (2) may be for any period of time and
58 shall state the period of time that the agreement lasts.

59 (4) Agents of the Bureau of Indian Affairs who are granted authority to enforce state
60 and local criminal misdemeanor offenses and felonies under an agreement entered into under
61 Subsection (2) shall successfully complete a course focusing on Utah criminal and
62 constitutional law and process specifically approved by the director of the Peace Officer
63 Standards and Training Division created under Section [53-6-103](#) to qualify the individual for
64 cross-deputization pursuant to this section.

Legislative Review Note
Office of Legislative Research and General Counsel