

LAW ENFORCEMENT AGENCY CERTIFICATION

AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: Karen Mayne

LONG TITLE

General Description:

This bill adds officers from the United States Department of Veterans Affairs to the list of federal officers with state law enforcement authority.

Highlighted Provisions:

This bill:

- ▶ adds the United States Department of Veterans Affairs and its officers to the list of federal officers with state law enforcement authority.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53-13-106, as last amended by Laws of Utah 2014, Chapter 228 and last amended by Coordination Clause, Laws of Utah 2014, Chapter 228

53-13-106.1, as enacted by Laws of Utah 2014, Chapter 317

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

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

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

(1) (a) "Federal agency" means:

- 30 (i) the United States Bureau of Land Management;
- 31 (ii) the United States Forest Service;
- 32 (iii) the National Park Service;
- 33 (iv) the United States Fish and Wildlife Service;
- 34 (v) the United States Bureau of Reclamation;
- 35 (vi) the United States Environmental Protection Agency; [~~and~~]
- 36 (vii) the United States Army Corps of Engineers; and
- 37 (viii) the Department of Veterans Affairs.
- 38 (b) "Federal employee" means an employee of a federal agency.
- 39 (c) "Federal officer" includes:
- 40 (i) a special agent of the Federal Bureau of Investigation;
- 41 (ii) a special agent of the United States Secret Service;
- 42 (iii) a special agent of the United States Department of Homeland Security, excluding a
- 43 customs inspector or detention removal officer;
- 44 (iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;
- 45 (v) a special agent of the Drug Enforcement Administration;
- 46 (vi) a United States marshal, deputy marshal, and special deputy United States marshal;
- 47 [~~and~~]
- 48 (vii) a U.S. postal inspector of the United States Postal Inspection Service; and
- 49 (viii) a police officer of the Department of Veterans Affairs.
- 50 (d) (i) Federal officers listed in Subsection (1)(c) have statewide law enforcement
- 51 authority relating to felony offenses under the laws of this state. This Subsection (1)(d)(i) takes
- 52 precedence over Subsection (2).
- 53 (ii) Federal agencies and federal employees may exercise law enforcement authority
- 54 related to misdemeanor and felony offenses under Utah law only as established by an
- 55 agreement as provided in Subsection (1)(d)(iii) and as provided in Section 53-13-106.9 or
- 56 pursuant to Section 53-13-106.7. This Subsection (1)(d)(ii) takes precedence over Subsection
- 57 (2).

58 (iii) Consistent with Section 53-13-106.9, county sheriffs may enter into agreements
59 with federal agencies that allow concurrent authority to enforce federal laws and state and local
60 laws, provided that:

61 (A) the agreement is limited to a term of not more than two years; and

62 (B) the officers granted authority under the agreement have completed a 20-hour
63 training course that is focused on Utah criminal law and procedure and that is approved by the
64 director of the Peace Officer Standards and Training Division.

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

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

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

71 (iii) maintain in-service training in accordance with the standards set forth in Section
72 53-13-103.

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

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

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

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

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

85 (5) The authority of a federal officer under this section is limited to the jurisdiction of

86 the authorizing state or local agency, and may be further limited by the state or local agency to
87 enforcing specific statutes, codes, or ordinances.

88 Section 2. Section **53-13-106.1** is amended to read:

89 **53-13-106.1. State and local law enforcement officers and federal employees --**

90 **Definitions.**

91 As used in this section and in Sections **53-13-106.2** through **53-13-106.10**:

92 (1) "Exercise law enforcement authority" and "exercise of law enforcement authority"
93 means:

94 (a) to take any action on private land, state-owned land, or federally managed land, to
95 investigate, stop, serve process, search, arrest, cite, book, or incarcerate a person for a federal,
96 state, or local criminal violation when the action is based on:

97 (i) a federal statute, regulation, or rule;

98 (ii) a state or local statute, ordinance, regulation, or rule; or

99 (iii) a state or local statute, ordinance, regulation, or rule that is being enforced by a
100 federal agency pursuant to the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or

101 (b) to gain access to or use the correctional or communication facilities and equipment
102 of any state or local law enforcement agency.

103 (2) "Federal agency" means a federal agency that manages federally managed land or
104 regulates activities on that land, including:

105 (a) the United States Bureau of Land Management;

106 (b) the United States Forest Service;

107 (c) the National Park Service;

108 (d) the United States Fish and Wildlife Service;

109 (e) the United States Bureau of Reclamation;

110 (f) the United States Environmental Protection Agency; ~~and~~

111 (g) the United States Army Corps of Engineers; and

112 (h) the Department of Veterans Affairs.

113 (3) "Federal employee" means an employee or other agent of a federal agency, but does

114 not include:

- 115 (a) a special agent of the Federal Bureau of Investigation;
- 116 (b) a special agent of the United States Secret Service;
- 117 (c) a special agent of the United States Department of Homeland Security, unless the
- 118 employee is a customs inspector or detention removal officer;
- 119 (d) a special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;
- 120 (e) a special agent of the United States Drug Enforcement Administration;
- 121 (f) a United States marshal, deputy marshal, or special deputy United States marshal;

122 [or]

- 123 (g) a United States postal inspector of the United States Postal Inspection Service; or
- 124 (h) a police officer of the Department of Veterans Affairs.

125 (4) "Federally managed land" means land managed by the following federal agencies:

- 126 (a) the United States Bureau of Land Management;
- 127 (b) the United States Forest Service;
- 128 (c) the National Park Service;
- 129 (d) the United States Fish and Wildlife Service; ~~and~~
- 130 (e) the United States Bureau of Reclamation; and
- 131 (f) the Department of Veterans Affairs.

132 (5) "Proprietary jurisdiction federally managed land" means all federally managed land
133 as defined in this section except:

- 134 (a) buildings, installations, and other structures under the exclusive jurisdiction of the
- 135 Congress of the United States pursuant to the United States Constitution, Article I, Section 8,
- 136 Clause 17; and
- 137 (b) parcels that constitute federal enclaves subject to the concurrent jurisdiction of the
- 138 United States and the state of Utah.

139 **Section 3. Effective date.**

140 If approved by two-thirds of all the members elected to each house, this bill takes effect
141 upon approval by the governor, or the day following the constitutional time limit of Utah

142 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
143 the date of veto override.