

1 **LAW ENFORCEMENT AGENCY CERTIFICATION**

2 **AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Lee B. Perry**

6 Senate Sponsor: Karen Mayne

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**LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **53-13-106**, as last amended by Laws of Utah 2014, Chapter 228 and last amended by  
22 Coordination Clause, Laws of Utah 2014, Chapter 228

23 **53-13-106.1**, as enacted by Laws of Utah 2014, Chapter 317

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

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



28 **53-13-106. Federal officers -- State law enforcement authority.**

29 (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; and37 (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; and49 (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.