

**PEACE OFFICER AGREEMENTS WITH FEDERAL AGENCIES**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Richard A. Greenwood**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the chapter Peace Officer Classifications regarding the authority of federal officers within Utah.

**Highlighted Provisions:**

This bill:

- ▶ provides a definition of a federal agency and a federal employee;
- ▶ specifies the terms under which a federal agency may enter into an agreement with a county sheriff to enforce federal laws and state and local laws; and
- ▶ requires specified training for federal employees in order for them to participate in the agreement.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53-13-106**, as last amended by Laws of Utah 2013, First Special Session, Chapter 4

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



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

29 **53-13-106. Federal officers -- State law enforcement authority.**

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

31 (i) the Bureau of Land Management;

32 (ii) the United States Forest Service; and

33 (iii) the National Park Service.

34 (b) "Federal employee" means an employee of a federal agency.

35 (c) "Federal officer" includes:

36 (i) a special agent of the Federal Bureau of Investigation;

37 (ii) a special agent of the United States Secret Service;

38 (iii) a special agent of the United States Department of Homeland Security, excluding a  
39 customs inspector or detention removal officer;

40 (iv) a special agent of the Bureau of Alcohol, Tobacco and Firearms;

41 (v) a special agent of the Drug Enforcement Administration;

42 (vi) a United States marshal, deputy marshal, and special deputy United States marshal;  
43 and

44 (vii) a U.S. postal inspector of the United States Postal Inspection Service.

45 ~~(b)~~ (d) (i) Federal officers listed in Subsection (1)~~(a)~~(c) have statewide law  
46 enforcement authority relating to felony offenses under the laws of this state. This Subsection  
47 (1)~~(b)~~(d)(i) takes precedence over Subsection (2).

48 (ii) Federal agencies and federal employees may exercise law enforcement authority  
49 related to misdemeanor and felony offenses under Utah law only as established by an  
50 agreement as provided in Subsection (1)(d)(iii). This Subsection (1)~~(b)~~(d)(ii) takes  
51 precedence over Subsection (2).

52 (iii) County sheriffs may enter into agreements with federal agencies that allow  
53 concurrent authority to enforce federal laws and state and local laws, provided that:

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

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

58 ~~(c)~~ (e) The council may designate other federal peace officers, as necessary, if the

59 officers:

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

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

65 (iii) maintain in-service training in accordance with the standards set forth in Section  
66 [53-13-103](#).

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

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

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

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

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

79 (5) The authority of a federal officer under this section is limited to the jurisdiction of  
80 the authorizing state or local agency, and may be further limited by the state or local agency to  
81 enforcing specific statutes, codes, or ordinances.

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**Legislative Review Note**  
**as of 2-17-14 8:23 AM**

**Office of Legislative Research and General Counsel**