

1                   **AMENDMENTS TO FEDERAL LAW ENFORCEMENT**

2                                   **LIMITATIONS**

3   2014 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Michael E. Noel**

6                                   Senate Sponsor: David P. Hinkins

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8   **LONG TITLE**

9   **General Description:**

10           This bill modifies the Public Safety Code regarding the authority of federal, state, and  
11 local law enforcement officers.

12   **Highlighted Provisions:**

13           This bill:

- 14           ▶ defines the exercise of law enforcement authority, including on state land, private  
15 land, and federal land;
- 16           ▶ defines federal employee for the purposes of this bill;
- 17           ▶ defines proprietary jurisdiction of federally managed land;
- 18           ▶ describes when state and local law enforcement officers may recognize a federal  
19 employee's exercise of law enforcement authority;
- 20           ▶ describes the scope of law enforcement action as it relates to the federal  
21 Assimilative Crimes Act, and proprietary jurisdiction federally managed land;
- 22           ▶ provides that state and local law enforcement officers may not recognize a federal  
23 employee's exercise of law enforcement authority when the exercise is based on a  
24 state or local law or ordinance;
- 25           ▶ authorizes state and local law enforcement to assist a federal agency or employee  
26 under specified circumstances;
- 27           ▶ addresses federal authority on federally managed land regarding violation of a state  
28 or local law in the case of an emergency;
- 29           ▶ prohibits a federal agency's use of state or local law enforcement correctional or

30 communication facilities without consent of the state or local law enforcement agency;  
31       ▶ provides procedures, requirements, and duration regarding entering into agreements  
32 with federal employees to exercise law enforcement powers regarding state and  
33 federal law;  
34       ▶ allows county sheriffs to enter into agreements with federal agencies requiring fair  
35 compensation for assisting the federal agency; and  
36       ▶ requires that county sheriffs regularly review the duties and activities of federal  
37 agencies that have law enforcement responsibilities and are acting within the  
38 jurisdictional area of a county.

39 **Money Appropriated in this Bill:**

40       None

41 **Other Special Clauses:**

42       None

43 **Utah Code Sections Affected:**

44 ENACTS:

- 45       **53-13-106.1**, Utah Code Annotated 1953
- 46       **53-13-106.2**, Utah Code Annotated 1953
- 47       **53-13-106.3**, Utah Code Annotated 1953
- 48       **53-13-106.4**, Utah Code Annotated 1953
- 49       **53-13-106.6**, Utah Code Annotated 1953
- 50       **53-13-106.7**, Utah Code Annotated 1953
- 51       **53-13-106.8**, Utah Code Annotated 1953
- 52       **53-13-106.9**, Utah Code Annotated 1953
- 53       **53-13-106.10**, Utah Code Annotated 1953

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

56       Section 1. Section **53-13-106.1** is enacted to read:

57       **53-13-106.1. State and local law enforcement officers and federal employees --**

58 **Definitions.**

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

60 (1) "Exercise law enforcement authority" and "exercise of law enforcement authority"

61 means:

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

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

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

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

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

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

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

74 (b) the United States Forest Service;

75 (c) the National Park Service;

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

77 (e) the United States Bureau of Reclamation;

78 (f) the United States Environmental Protection Agency; and

79 (g) the United States Army Corps of Engineers.

80 (3) "Federal employee" means an employee or other agent of a federal agency, but does  
81 not include:

82 (a) a special agent of the Federal Bureau of Investigation;

83 (b) a special agent of the United States Secret Service;

84 (c) a special agent of the United States Department of Homeland Security, unless the  
85 employee is a customs inspector or detention removal officer;

- 86 (d) a special agent of the Bureau of Alcohol, Tobacco, Firearms, and Explosives;  
87 (e) a special agent of the United States Drug Enforcement Administration;  
88 (f) a United States marshal, deputy marshal, or special deputy United States marshal; or  
89 (g) a United States postal inspector of the United States Postal Inspection Service.

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

- 91 (a) the United States Bureau of Land Management;  
92 (b) the United States Forest Service;  
93 (c) the National Park Service;  
94 (d) the United States Fish and Wildlife Service; and  
95 (e) the United States Bureau of Reclamation.

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

- 98 (a) buildings, installations, and other structures under the exclusive jurisdiction of the  
99 Congress of the United States pursuant to the United States Constitution, Article I, Section 8,  
100 Clause 17; and  
101 (b) parcels that constitute federal enclaves subject to the concurrent jurisdiction of the  
102 United States and the state of Utah.

103 Section 2. Section **53-13-106.2** is enacted to read:

104 **53-13-106.2. State and local law enforcement officers and federal employees --**  
105 **Exercise of federal law enforcement authority when based on a federal enactment.**

106 Subject to Sections [53-13-106.6](#) and [53-13-106.7](#), and Subsection [53-13-106.9\(1\)](#):

107 (1) State and local law enforcement officers may recognize a federal employee's  
108 exercise of law enforcement authority, either on or off federally managed land, when the  
109 exercise is consistent with the Constitution of the United States and based on:

- 110 (a) a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or  
111 (b) a federal regulation that is authorized by a federal statute other than the  
112 Assimilative Crimes Act, 18 U.S.C. Sec. 13.

113 (2) Notwithstanding Subsection [53-13-106.2\(1\)](#), state and local law enforcement

114 officers may recognize a federal employee's exercise of law enforcement authority, on federally  
115 managed land other than proprietary jurisdiction federally managed land, when the exercise is  
116 consistent with the Constitution of the United States and based on:

- 117 (a) a federal statute, including the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or
- 118 (b) a federal regulation that is authorized by a federal statute including the Assimilative  
119 Crimes Act, 18 U.S.C. Sec. 13.

120 Section 3. Section **53-13-106.3** is enacted to read:

121 **53-13-106.3. State and local law enforcement officers and federal employees --**  
122 **Exercise of federal law enforcement authority when based on a state or local enactment.**

123 Subject to Section [53-13-106.7](#) and Subsection [53-13-106.9\(1\)](#), state and local law  
124 enforcement officers are not authorized to recognize a federal employee's exercise of law  
125 enforcement authority, either on or off federally managed land, when the exercise is based on a  
126 state or local statute, ordinance, regulation, or rule.

127 Section 4. Section **53-13-106.4** is enacted to read:

128 **53-13-106.4. State and county sheriff law enforcement officers and federal**  
129 **employees -- Enforcement of federal laws and regulations by state and county sheriff**  
130 **officers.**

131 A state law enforcement agency or a county sheriff may assist a federal agency or  
132 federal employee to enforce federal statutes and regulations on lands managed pursuant to 43  
133 U.S.C. Secs. 1701-1736 and Secs. 1737-1782, Federal Land Policy Management Act, after the  
134 state law enforcement agency or a county sheriff has entered into an agreement authorized by  
135 Subsection [53-13-106.9\(3\)](#).

136 Section 5. Section **53-13-106.6** is enacted to read:

137 **53-13-106.6. State and local law enforcement officers and federal employees --**  
138 **Exercise of federal law enforcement authority to enforce the Federal Land Policy**  
139 **Management Act.**

140 Notwithstanding Section [53-13-106.2](#), state and local law enforcement officers are  
141 authorized to recognize a federal employee's exercise of law enforcement authority to enforce

142 the provisions of the Federal Land Policy Management Act on proprietary jurisdiction federally  
143 managed land, only if the exercise is consistent with the Constitution of the United States and  
144 based on:

145 (1) a federal statute other than the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or

146 (2) a federal regulation that is:

147 (a) authorized by a federal statute other than the Assimilative Crimes Act, 18 U.S.C.  
148 Sec. 13; and

149 (b) necessary to implement the provisions of the Federal Land Policy Management Act  
150 with respect to the management, use, and protection of the public lands, including the property  
151 located on those lands, as provided in 43 U.S.C. Sec. 1733(a).

152 Section 6. Section **53-13-106.7** is enacted to read:

153 **53-13-106.7. State and local law enforcement officers and federal employees --**  
154 **Exercise of federal law enforcement authority based on state law during emergency.**

155 Notwithstanding Section [53-13-106.3](#), state and local law enforcement officers are  
156 authorized to recognize a federal employee's limited exercise of law enforcement authority on  
157 federally managed land in cases of a violation of a state or local statute, ordinance, regulation,  
158 or rule when:

159 (1) the offense is an emergency and poses an immediate risk of bodily injury or damage  
160 to property;

161 (2) a state, county, or municipal law enforcement officer is not reasonably available to  
162 take action;

163 (3) the action is within the scope of the employee's or official's law enforcement power;  
164 and

165 (4) the federal employee turns the matter, as well as the custody of any detained  
166 citizen, over to the state, county, or municipal law enforcement officer for further action as  
167 soon as the officer becomes available.

168 Section 7. Section **53-13-106.8** is enacted to read:

169 **53-13-106.8. State and local law enforcement officers and federal employees -- Use**

170 **of correctional and communication facilities.**

171 State and local government agencies may not allow any federal agency access to or use  
172 of the correctional and communication facilities and equipment of any state or local law  
173 enforcement agency without the express written consent of the appropriate responsible official  
174 of the state or local law enforcement agency.

175 Section 8. Section **53-13-106.9** is enacted to read:

176 **53-13-106.9. State and county sheriff law enforcement officers and federal**  
177 **employees -- Interagency agreements.**

178 Notwithstanding Section [53-13-106.3](#):

179 (1) County sheriffs may enter into agreements with federal agencies granting limited  
180 authority to specific federal employees to exercise law enforcement powers to enforce federal  
181 state and local laws, provided the agreements are limited to a term not to exceed two years and  
182 the officers granted authority have completed a 20-hour course focusing on Utah law and  
183 process approved by the director of the Peace Officer Standards and Training Division.

184 (2) State law enforcement agencies may, with the consent of the local county sheriff,  
185 enter into agreements as described in Subsection (1), provided that the agreements may not  
186 exceed a duration of two years.

187 (3) Local county sheriffs may enter into agreements with federal agencies requiring fair  
188 compensation for assisting a federal agency or federal employee to enforce federal statutes and  
189 regulations managed pursuant to 43 U.S.C. Secs. 1701-1736 and 43 U.S.C. Secs. 1737-1782,  
190 Federal Land Policy Management Act.

191 Section 9. Section **53-13-106.10** is enacted to read:

192 **53-13-106.10. State and local law enforcement officers and federal employees --**  
193 **Review by county sheriffs.**

194 County sheriffs shall regularly review the duties and activities of federal agencies that  
195 have law enforcement responsibilities and that are acting within the jurisdictional area of the  
196 county to determine if the federal agencies are acting consistently with this section.