

1                   **PEACE OFFICER AGREEMENTS WITH FEDERAL**  
2   **AGENCIES**

3   2014 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Richard A. Greenwood**

6   Senate Sponsor: Evan J. Vickers

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8                   **LONG TITLE**

9                   **General Description:**

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

12                   **Highlighted Provisions:**

13                   This bill:

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

19                   **Money Appropriated in this Bill:**

20                   None

21                   **Other Special Clauses:**

22                   This bill coordinates with H.B. 149, Amendments to Federal Law Enforcement  
23 Limitations, by providing substantive amendments.

24                   **Utah Code Sections Affected:**

25                   AMENDS:

26                   **53-13-106**, as last amended by Laws of Utah 2013, First Special Session, Chapter 4

27                   **Utah Code Sections Affected by Coordination Clause:**

28                   **53-13-106**, as last amended by Laws of Utah 2013, First Special Session, Chapter 4

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

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

32 **53-13-106. Federal officers -- State law enforcement authority.**

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

34 (i) the United States Bureau of Land Management;

35 (ii) the United States Forest Service;

36 (iii) the National Park Service;

37 (iv) the United States Fish and Wildlife Service;

38 (v) the United States Bureau of Reclamation;

39 (vi) the United States Environmental Protection Agency; and

40 (vii) the United States Army Corps of Engineers.

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

42 (c) "Federal officer" includes:

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

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

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

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

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

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

50 and

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

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

55 (ii) Federal agencies and federal employees may exercise law enforcement authority  
56 related to misdemeanor and felony offenses under Utah law only as established by an  
57 agreement as provided in Subsection (1)(d)(iii). This Subsection (1)~~(b)~~(d)(ii) takes

58 precedence over Subsection (2).

59 (iii) County sheriffs may enter into agreements with federal agencies that allow  
60 concurrent authority to enforce federal laws and state and local 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~~] (e) The council may designate other federal peace officers, as necessary, if the  
66 officers:

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

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

72 (iii) maintain in-service training in accordance with the standards set forth in Section  
73 [53-13-103](#).

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

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

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

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

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

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

89 Section 2. **Coordinating H.B. 147 with H.B. 149 -- Substantive amendments.**

90 If this H.B. 147 and H.B. 149, Amendments to Law Enforcement Limitations, both pass  
91 and become law, the Legislature intends that the Office of Legislative Research and General  
92 Counsel, in preparing the Utah Code database for publication, do the following:

93 (1) Amend Subsection 53-13-106(1)(d)(ii) to read:

94 "(ii) Federal agencies and federal employees may exercise law enforcement authority  
95 related to misdemeanor and felony offenses under Utah law only as established by an  
96 agreement as provided in Subsection (1)(d)(iii) and as provided in Section 53-13-106.9 or  
97 pursuant to Section 53-13-106.7. This Subsection (1)(~~b~~)(d)(ii) takes precedence over  
98 Subsection (2)."

99 (2) Amend Subsection 53-13-106(1)(d)(iii) to read:

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