

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 13-0150.01 Michael Dohr x4347

SENATE BILL 13-013

SENATE SPONSORSHIP

King,

HOUSE SPONSORSHIP

(None),

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING PEACE OFFICER AUTHORITY FOR CERTAIN EMPLOYEES
102 OF THE UNITED STATES SECRET SERVICE.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billssummaries>.)

The bill gives a special agent, uniform division officer, physical security technician, physical security specialist, or special officer of the United States secret service limited peace officer authority while working in Colorado.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 16-2.5-150 as
3 follows:

4 **16-2.5-150. Federal secret service agents.** (1) A SPECIAL AGENT,
5 UNIFORM DIVISION OFFICER, PHYSICAL SECURITY TECHNICIAN, PHYSICAL
6 SECURITY SPECIALIST, OR SPECIAL OFFICER OF THE UNITED STATES SECRET
7 SERVICE, REFERRED TO IN THIS SECTION AS A "SECRET SERVICE AGENT", IN
8 ANY JURISDICTION WITHIN THE STATE OF COLORADO, IS A PEACE OFFICER
9 WHOSE AUTHORITY IS LIMITED AS PROVIDED IN THIS SECTION. THE SECRET
10 SERVICE AGENT IS A PEACE OFFICER IN THE FOLLOWING CIRCUMSTANCES:

11 (a) (I) RESPONDING TO A NONFEDERAL FELONY OR MISDEMEANOR
12 THAT HAS BEEN COMMITTED IN HIS OR HER PRESENCE;

13 (II) RESPONDING TO AN EMERGENCY SITUATION IN WHICH HE OR
14 SHE HAS PROBABLE CAUSE TO BELIEVE THAT A NONFEDERAL FELONY OR
15 MISDEMEANOR INVOLVING INJURY OR THREAT OF INJURY TO A PERSON OR
16 PROPERTY HAS BEEN, OR IS BEING, COMMITTED AND IMMEDIATE ACTION IS
17 REQUIRED TO PREVENT ESCAPE, SERIOUS BODILY INJURY, OR DESTRUCTION
18 OF PROPERTY;

19 (III) RENDERING ASSISTANCE AT THE REQUEST OF A COLORADO
20 PEACE OFFICER; OR

21 (IV) EFFECTING AN ARREST OR PROVIDING ASSISTANCE AS PART OF
22 A BONA FIDE TASK FORCE OR JOINT INVESTIGATION WITH COLORADO
23 PEACE OFFICERS; AND

24 (b) THE SECRET SERVICE AGENT ACTS IN ACCORDANCE WITH THE
25 RULES AND REGULATIONS OF HIS OR HER EMPLOYING AGENCY.

26 (2) A SECRET SERVICE AGENT IS A PERSON WHO IS EMPLOYED BY

1 THE UNITED STATES GOVERNMENT, ASSIGNED TO THE UNITED STATES
2 SECRET SERVICE, EMPOWERED TO EFFECT AN ARREST WITH OR WITHOUT
3 A WARRANT FOR VIOLATIONS OF THE UNITED STATES CODE, AND
4 AUTHORIZED TO CARRY A FIREARM AND USE DEADLY FORCE IN THE
5 PERFORMANCE OF HIS OR HER DUTIES AS A FEDERAL LAW ENFORCEMENT
6 OFFICER.

7 (3) UPON EFFECTING AN ARREST UNDER THE AUTHORITY OF THIS
8 SECTION, A SECRET SERVICE AGENT SHALL IMMEDIATELY SURRENDER
9 CUSTODY OF THE ARRESTED INDIVIDUAL TO A COLORADO PEACE OFFICER.

10 (4) THIS SECTION DOES NOT IMPOSE LIABILITY ON OR REQUIRE
11 INDEMNIFICATION OR CREATE A WAIVER OF SOVEREIGN IMMUNITY BY THE
12 STATE OF COLORADO FOR ANY ACTION PERFORMED UNDER THIS SECTION
13 BY A SECRET SERVICE AGENT.

14 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXPAND
15 THE AUTHORITY OF FEDERAL LAW ENFORCEMENT OFFICERS TO INITIATE OR
16 CONDUCT AN INDEPENDENT INVESTIGATION INTO VIOLATIONS OF
17 COLORADO LAW.

18 **SECTION 2. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.