

FEDERAL LAW ENFORCEMENT AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires a federal officer to obtain a county sheriff's permission to conduct an arrest, search, or seizure under certain conditions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires a federal officer to obtain the written permission of the county sheriff

before the federal officer may conduct an arrest, search, or seizure that:

- is based on or concerns the purchase, transfer, or possession of a firearm;
- is based on a federal offense; and
- is on property in the sheriff's county that is not owned or managed by the federal

government;

- ▶ provides requirements and exceptions for the written permission requirement;
- ▶ provides a criminal penalty for a violation; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **53-13-106**, as last amended by Laws of Utah 2020, Chapter 153

30 **53-13-106.2**, as enacted by Laws of Utah 2014, Chapter 317

31 **53-13-106.9**, as enacted by Laws of Utah 2014, Chapter 317

32 ENACTS:

33 **53-13-106.13**, Utah Code Annotated 1953



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

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

37 **CHAPTER 13. PEACE OFFICER CLASSIFICATIONS AND REQUIREMENTS**

38 **53-13-106. Federal officers -- State law enforcement authority.**

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

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

41 (ii) the United States Forest Service;

42 (iii) the National Park Service;

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

44 (v) the United States Bureau of Reclamation;

45 (vi) the United States Environmental Protection Agency;

46 (vii) the United States Army Corps of Engineers; and

47 (viii) the Department of Veterans Affairs.

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

49 (c) "Federal officer" includes:

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

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

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

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

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

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

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

58 (viii) a police officer of the Department of Veterans Affairs.

59 (d) (i) (A) Federal officers listed in Subsection (1)(c) have statewide law enforcement
60 authority relating to felony offenses under the laws of this state.

61 (B) [~~This~~] Subsection (1)(d)(i)(A) takes precedence over Subsection (2).

62 (ii) (A) Federal agencies and federal employees may exercise law enforcement
63 authority related to misdemeanor and felony offenses under Utah law only as established by an
64 agreement as provided in Subsection (1)(d)(iii) and as provided in Section [53-13-106.9](#) or
65 pursuant to Section [53-13-106.7](#).

66 (B) [~~This~~] Subsection (1)(d)(ii)(A) takes precedence over Subsection (2).

67 (iii) Consistent with Section [53-13-106.9](#) and Section [53-13-106.13](#), county sheriffs
68 may enter into agreements with federal agencies that allow concurrent authority to enforce
69 federal laws and state and local laws, provided that:

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

71 (B) the officers granted authority under the agreement have completed a 20-hour
72 training course that is focused on Utah criminal law and procedure and that is approved by the
73 director of the [~~Peace Officer Standards and Training Division~~] division.

74 (e) The council may designate other federal peace officers, as necessary, if the officers:

75 (i) are [~~persons~~] individuals employed full-time by the United States government as
76 federally recognized law enforcement officers primarily responsible for the investigation and
77 enforcement of the federal laws;

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

80 (iii) maintain in-service training in accordance with the standards set forth in Section
81 [53-13-103](#).

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

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

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

89 (3) A federal officer working as such in the state on or before July 1, 1995, may

90 exercise state law enforcement authority without meeting the waiver requirement.

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

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

97 Section 2. Section **53-13-106.2** is amended to read:

98 **53-13-106.2. State and local law enforcement officers and federal employees --**
99 **Exercise of federal law enforcement authority when based on a federal enactment.**

100 [Subject] Except as provided by Section 53-13-106.13 and subject to Sections
101 53-13-106.6 and 53-13-106.7, and Subsection 53-13-106.9(1):

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

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

106 (b) a federal regulation that is authorized by a federal statute other than the
107 Assimilative Crimes Act, 18 U.S.C. Sec. 13.

108 (2) Notwithstanding Subsection 53-13-106.2(1), state and local law enforcement
109 officers may recognize a federal employee's exercise of law enforcement authority, on federally
110 managed land other than proprietary jurisdiction federally managed land, when the exercise is
111 consistent with the Constitution of the United States and based on:

112 (a) a federal statute, including the Assimilative Crimes Act, 18 U.S.C. Sec. 13; or

113 (b) a federal regulation that is authorized by a federal statute including the Assimilative
114 Crimes Act, 18 U.S.C. Sec. 13.

115 Section 3. Section **53-13-106.9** is amended to read:

116 **53-13-106.9. State and county sheriff law enforcement officers and federal**
117 **employees -- Interagency agreements.**

118 [~~Notwithstanding Section 53-13-106.3:~~]

119 (1) [~~County sheriffs~~] Notwithstanding Section 53-13-106.3 and in accordance with
120 Section 53-13-106.13, a county sheriff may enter into agreements with federal agencies

121 granting limited authority to specific federal employees to exercise law enforcement powers to
122 enforce federal state and local laws, provided the agreements are limited to a term not to
123 exceed two years and the officers granted authority have completed a 20-hour course focusing
124 on Utah law and process approved by the director of the [~~Peace Officer Standards and Training~~
125 ~~Division~~] division.

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

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

133 Section 4. Section **53-13-106.13** is enacted to read:

134 **53-13-106.13. Federal officer required to obtain sheriff's permission for certain**
135 **federal firearm-related arrests, searches, or seizures on state or private property --**
136 **Requirements -- Exceptions -- Penalty for violation.**

137 (1) As used in this section:

138 (a) "Federal law enforcement agency" means an entity or division of the federal
139 government that exists primarily to prevent and detect crime and enforce criminal laws,
140 statutes, and ordinances.

141 (b) "Federal officer" means an individual:

142 (i) who works for a federal law enforcement agency; and

143 (ii) whose duties consist of the investigation and enforcement of federal laws.

144 (c) "State-designated federal officer" means a federal officer who:

145 (i) (A) is employed full time by the United States government;

146 (B) has applied for and been designated by the council as having peace officer

147 authority under state law; and

148 (C) maintains in-service training requirements in accordance with the standards set

149 forth in Section [53-13-103](#); or

150 (ii) is acting as part of an interagency task force that includes law enforcement officers

151 from a state or local law enforcement agency.

152 (2) (a) (i) Except as provided in Subsection (2)(b) or Subsection (3), a federal officer
153 may not make an arrest or conduct a search or seizure if:

154 (A) the sought-after arrest, search, or seizure is based on or concerns the purchase,
155 transfer, or possession of a firearm;

156 (B) the offense for which the arrest, search, or seizure is being sought is a federal
157 offense; and

158 (C) the federal officer has not received the written permission of the sheriff or the
159 sheriff's designee of the county in which the arrest, search, or seizure would take place.

160 (ii) The sheriff or sheriff's designee described in Subsection (2)(a)(i)(C) may grant or
161 refuse permission for a federal officer to conduct an arrest, search, or seizure under Subsection
162 (2)(a)(i) for any reason that the sheriff or sheriff's designee determines is sufficient.

163 (b) The written permission requirement described in Subsection (2)(a)(i) does not
164 apply unless the county sheriff has provided to the federal law enforcement agency that
165 employs the federal officer a written notification that the county sheriff has elected to require
166 the written permission requirement described under Subsection (2)(a)(i).

167 (3) A federal officer does not need to obtain the written permission described in
168 Subsection (2)(a) if:

169 (a) the sought-after arrest, search, or seizure is on property that is owned or managed
170 by the federal government;

171 (b) the federal officer:

172 (i) is a state-designated federal officer; or

173 (ii) witnesses the commission of the crime that is the subject of the arrest, search, or
174 seizure;

175 (c) (i) the subject of the arrest, search, or seizure is:

176 (A) the sheriff or an employee of the sheriff's office described in Subsection
177 (2)(a)(i)(C); or

178 (B) an individual who the federal officer has probable cause to believe has a close
179 connection with the sheriff or sheriff's designee described in Subsection (2)(a)(i)(C); and

180 (ii) the federal officer first obtains the written permission of the attorney general or the
181 attorney general's designee;

182 (d) the sheriff, in the sheriff's discretion, elects not to require the permission described

183 in Subsection (2)(a) for:

184 (i) one or more specifically identified federal officers;

185 (ii) all federal officers from a specified federal law enforcement agency; or

186 (iii) all federal officers from all federal law enforcement agencies;

187 (e) the sheriff has entered into an agreement under Section [53-13-106.9](#) that authorizes
188 the arrest, search, or seizure that the federal officer seeks to undertake; or

189 (f) the sheriff has failed to provide the notification required under Subsection (2)(b) to
190 the federal officer's employing federal law enforcement agency.

191 (4) A federal officer who violates this section is guilty of a class C misdemeanor.

192 Section 5. **Effective date.**

193 This bill takes effect on May 1, 2024.