

**First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 11-0490.01 Brita Darling

**HOUSE BILL 11-1073**

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**HOUSE SPONSORSHIP**

**Barker,**

**SENATE SPONSORSHIP**

**Morse,**

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**House Committees**  
Judiciary

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING PEACE OFFICER DESIGNATION FOR UNITED STATES**  
102 **MARSHALS.**

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**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/billsummaries>.)*

The bill expands the list of federal special agents who are designated peace officers in certain circumstances to include deputy or special deputy United States marshals.

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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.** 16-2.5-147, Colorado Revised Statutes, is amended  
3 to read:

4 **16-2.5-147. Federal special agents.** (1) A special agent of the  
5 federal bureau of investigation or the United States bureau of alcohol,  
6 tobacco, firearms, and explosives, A DEPUTY OR SPECIAL DEPUTY UNITED  
7 STATES MARSHAL, or an officer of the federal protective service of the  
8 United States department of homeland security immigration and customs  
9 enforcement, in any jurisdiction within the state of Colorado, is a peace  
10 officer whose authority is limited as provided in this section. The special  
11 agent, DEPUTY OR SPECIAL DEPUTY, or officer is authorized to act in the  
12 following circumstances:

13 (a) The SPECIAL agent, DEPUTY OR SPECIAL DEPUTY, or officer is:

14 (I) Responding to a nonfederal felony or misdemeanor that has  
15 been committed in the presence of the special agent, DEPUTY OR SPECIAL  
16 DEPUTY, or officer;

17 (II) Responding to an emergency situation in which the special  
18 agent, DEPUTY OR SPECIAL DEPUTY, or officer has probable cause to  
19 believe that a nonfederal felony or misdemeanor involving injury or threat  
20 of injury to a person or property has been, or is being, committed, and  
21 immediate action is required to prevent escape, serious bodily injury, or  
22 destruction of property;

23 (III) Rendering assistance at the request of a Colorado peace  
24 officer; or

25 (IV) Effecting an arrest or providing assistance as part of a bona  
26 fide task force or joint investigation with Colorado peace officers; and

27 (b) The agent, DEPUTY OR SPECIAL DEPUTY, or officer acts in

1 accordance with the rules and regulations of his or her employing agency.

2 (2) A special agent of the federal bureau of investigation or the  
3 United States bureau of alcohol, tobacco, firearms, and explosives, A  
4 DEPUTY OR SPECIAL DEPUTY UNITED STATES MARSHAL, or an officer of  
5 the federal protective service of the United States department of  
6 homeland security immigration and customs enforcement is a person who  
7 is employed by the United States government, assigned to the federal  
8 bureau of investigation, the United States bureau of alcohol, tobacco,  
9 firearms, and explosives, THE UNITED STATES MARSHAL SERVICE, or the  
10 federal protective service of the United States department of homeland  
11 security immigration and customs enforcement, empowered to effect an  
12 arrest with or without a warrant for violations of the United States code,  
13 and authorized to carry a firearm and use deadly force in the performance  
14 of the special agent's, DEPUTY'S OR SPECIAL DEPUTY'S, or officer's official  
15 duties as a federal law enforcement officer.

16 (3) Upon effecting an arrest under the authority of this section, a  
17 special agent of the federal bureau of investigation or the United States  
18 bureau of alcohol, tobacco, firearms, and explosives, A DEPUTY OR  
19 SPECIAL DEPUTY UNITED STATES MARSHAL, or an officer of the federal  
20 protective service of the United States department of homeland security  
21 immigration and customs enforcement shall immediately surrender  
22 custody of the arrested individual to a Colorado peace officer.

23 (4) This section does not impose liability on or require  
24 indemnification or create a waiver of sovereign immunity by the state of  
25 Colorado for any action performed under this section by a special agent  
26 of the federal bureau of investigation or the United States bureau of  
27 alcohol, tobacco, firearms, and explosives, A DEPUTY OR SPECIAL DEPUTY

1 UNITED STATES MARSHAL, or an officer of the federal protective service  
2 of the United States department of homeland security immigration and  
3 customs enforcement.

4 (5) Nothing in this section shall be construed to expand the  
5 authority of federal law enforcement officers to initiate or conduct an  
6 independent investigation into violations of Colorado law.

7 **SECTION 2. Act subject to petition - effective date.** This act  
8 shall take effect at 12:01 a.m. on the day following the expiration of the  
9 ninety-day period after final adjournment of the general assembly (August  
10 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
11 referendum petition is filed pursuant to section 1 (3) of article V of the  
12 state constitution against this act or an item, section, or part of this act  
13 within such period, then the act, item, section, or part shall not take effect  
14 unless approved by the people at the general election to be held in  
15 November 2012 and shall take effect on the date of the official  
16 declaration of the vote thereon by the governor.