

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 11-0490.01 Brita Darling

HOUSE BILL 11-1073

HOUSE SPONSORSHIP

Barker,

SENATE SPONSORSHIP

Morse,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

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

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.

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.

SENATE
2nd Reading Unam ended
March 4, 2011

HOUSE
3rd Reading Unam ended
February 15, 2011

HOUSE
2nd Reading Unam ended
February 14, 2011

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.