

Second Regular Session
Sixty-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 06-0633.01 Michael Dohr

HOUSE BILL 06-1179

HOUSE SPONSORSHIP

Hall,

SENATE SPONSORSHIP

Tapia,

House Committees
Judiciary

Senate Committees
Judiciary

A BILL FOR AN ACT

101 **CONCERNING PEACE OFFICER AUTHORITY IN COLORADO FOR CERTAIN**
102 **FEDERAL LAW ENFORCEMENT OFFICERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Provides federal bureau of investigation and United States bureau of alcohol, tobacco, firearms, and explosives special agents with limited peace officer authority in Colorado.

1 *Be it enacted by the General Assembly of the State of 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.

HOUSE
3rd Reading Unamended
February 21, 2006

HOUSE
Amended 2nd Reading
February 20, 2006

1 **SECTION 1.** Part 1 of article 2.5 of title 16, Colorado Revised
2 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
3 read:

4 **16-2.5-147. Federal special agents.** (1) A SPECIAL AGENT OF
5 THE FEDERAL BUREAU OF INVESTIGATION OR THE UNITED STATES BUREAU
6 OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES, IN ANY JURISDICTION
7 WITHIN THE STATE OF COLORADO, IS A PEACE OFFICER WHOSE AUTHORITY
8 IS LIMITED AS PROVIDED IN THIS SECTION. SAID SPECIAL AGENT IS
9 AUTHORIZED TO ACT IN THE FOLLOWING CIRCUMSTANCES:

10 (a) THE AGENT IS:

11 (I) RESPONDING TO A NONFEDERAL FELONY OR MISDEMEANOR
12 THAT HAS BEEN COMMITTED IN THE PRESENCE OF THE SPECIAL AGENT;

13 (II) RESPONDING TO AN EMERGENCY SITUATION IN WHICH THE
14 SPECIAL AGENT HAS PROBABLE CAUSE TO BELIEVE THAT A NONFEDERAL
15 FELONY OR MISDEMEANOR INVOLVING INJURY OR THREAT OF INJURY TO A
16 PERSON OR PROPERTY HAS BEEN, OR IS BEING, COMMITTED, AND
17 IMMEDIATE ACTION IS REQUIRED TO PREVENT ESCAPE, SERIOUS BODILY
18 INJURY, OR DESTRUCTION 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 AGENT ACTS IN ACCORDANCE WITH THE RULES AND
25 REGULATIONS OF HIS OR HER EMPLOYING AGENCY.

26 (2) A SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION
27 OR THE UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND

1 EXPLOSIVES IS A PERSON WHO IS EMPLOYED BY THE UNITED STATES
2 GOVERNMENT, ASSIGNED TO THE FEDERAL BUREAU OF INVESTIGATION OR
3 THE UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
4 EXPLOSIVES, EMPOWERED TO EFFECT AN ARREST WITH OR WITHOUT A
5 WARRANT FOR VIOLATIONS OF THE UNITED STATES CODE, AND
6 AUTHORIZED TO CARRY A FIREARM AND USE DEADLY FORCE IN THE
7 PERFORMANCE OF THE SPECIAL AGENT'S OFFICIAL DUTIES AS A FEDERAL
8 LAW ENFORCEMENT OFFICER.

9 (3) UPON EFFECTING AN ARREST UNDER THE AUTHORITY OF THIS
10 SECTION, A SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION
11 OR THE UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
12 EXPLOSIVES SHALL IMMEDIATELY SURRENDER CUSTODY OF THE ARRESTED
13 INDIVIDUAL TO A COLORADO PEACE OFFICER.

14 (4) THIS SECTION DOES NOT IMPOSE LIABILITY ON OR REQUIRE
15 INDEMNIFICATION OR CREATE A WAIVER OF SOVEREIGN IMMUNITY BY THE
16 STATE OF COLORADO FOR ANY ACTION PERFORMED UNDER THIS SECTION
17 BY A SPECIAL AGENT OF THE FEDERAL BUREAU OF INVESTIGATION OR THE
18 UNITED STATES BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
19 EXPLOSIVES.

20 (5) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXPAND
21 THE AUTHORITY OF FEDERAL LAW ENFORCEMENT OFFICERS TO INITIATE OR
22 CONDUCT AN INDEPENDENT INVESTIGATION INTO VIOLATIONS OF
23 COLORADO LAW.

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