

CHAPTER 39

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 06-1179

BY REPRESENTATIVE(S) Hall, Carroll T., Paccione, Todd, Butcher, Larson, and Madden;
also SENATOR(S) Tapia, and Grossman.

AN ACT**CONCERNING PEACE OFFICER AUTHORITY IN COLORADO FOR CERTAIN FEDERAL LAW ENFORCEMENT OFFICERS.**

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

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

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

(a) THE AGENT IS:

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

(II) RESPONDING TO AN EMERGENCY SITUATION IN WHICH THE SPECIAL AGENT HAS PROBABLE CAUSE TO BELIEVE THAT A NONFEDERAL FELONY OR MISDEMEANOR INVOLVING INJURY OR THREAT OF INJURY TO A PERSON OR PROPERTY HAS BEEN, OR IS BEING, COMMITTED, AND IMMEDIATE ACTION IS REQUIRED TO PREVENT ESCAPE, SERIOUS BODILY INJURY, OR DESTRUCTION OF PROPERTY;

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

(IV) EFFECTING AN ARREST OR PROVIDING ASSISTANCE AS PART OF A BONA FIDE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

TASK FORCE OR JOINT INVESTIGATION WITH COLORADO PEACE OFFICERS; AND

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

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

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

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

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

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

Approved: March 27, 2006