

CHAPTER 200

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 08-1348

BY REPRESENTATIVE(S) Witwer, Carroll T., Gardner B., Jahn, Kerr A., King, Massey, and Mitchell V.;
also SENATOR(S) Spence, and Morse.

AN ACT

**CONCERNING THE AUTHORIZATION OF OFFICERS OF THE FEDERAL PROTECTIVE SERVICE TO ACT AS
PEACE OFFICERS IN COLORADO.**

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

SECTION 1. 16-2.5-147, Colorado Revised Statutes, is amended 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 OR AN OFFICER OF THE FEDERAL PROTECTIVE SERVICE OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT, in any jurisdiction within the state of Colorado, is a peace officer whose authority is limited as provided in this section. ~~Said~~ THE special agent OR OFFICER is authorized to act in the following circumstances:

(a) The agent OR OFFICER is:

(I) Responding to a nonfederal felony or misdemeanor that has been committed in the presence of the special agent OR OFFICER;

(II) Responding to an emergency situation in which the special agent OR OFFICER 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 task force

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

or joint investigation with Colorado peace officers; and

(b) The agent OR OFFICER 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 OR AN OFFICER OF THE FEDERAL PROTECTIVE SERVICE OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT 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, OR THE FEDERAL PROTECTIVE SERVICE OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT, 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 OR OFFICER'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 OR AN OFFICER OF THE FEDERAL PROTECTIVE SERVICE OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT 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 OR AN OFFICER OF THE FEDERAL PROTECTIVE SERVICE OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY IMMIGRATION AND CUSTOMS ENFORCEMENT.

(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. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 1, 2008