

CHAPTER 126

GOVERNMENT - STATE

SENATE BILL 13-013

BY SENATOR(S) King, Aguilar, Heath, Jones, Todd, Morse;
also REPRESENTATIVE(S) McCann, Buckner, Fields, Hamner, Hullinghorst, Pabon, Rosenthal, Schafer.

AN ACT**CONCERNING PEACE OFFICER AUTHORITY FOR CERTAIN EMPLOYEES OF THE UNITED STATES
SECRET SERVICE.**

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

SECTION 1. In Colorado Revised Statutes, **add** 16-2.5-151 as follows:

16-2.5-151. Federal secret service agents. (1) A SPECIAL AGENT, UNIFORM DIVISION OFFICER, PHYSICAL SECURITY TECHNICIAN, PHYSICAL SECURITY SPECIALIST, OR SPECIAL OFFICER OF THE UNITED STATES SECRET SERVICE, REFERRED TO IN THIS SECTION AS A "SECRET SERVICE AGENT", IN ANY JURISDICTION WITHIN THE STATE OF COLORADO, IS A PEACE OFFICER WHOSE AUTHORITY IS LIMITED AS PROVIDED IN THIS SECTION. THE SECRET SERVICE AGENT IS A PEACE OFFICER IN THE FOLLOWING CIRCUMSTANCES:

(a)(I) RESPONDING TO A NONFEDERAL FELONY OR MISDEMEANOR THAT HAS BEEN COMMITTED IN HIS OR HER PRESENCE;

(II) RESPONDING TO AN EMERGENCY SITUATION IN WHICH HE OR SHE 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 OR JOINT INVESTIGATION WITH COLORADO PEACE OFFICERS; AND

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

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

(2) A SECRET SERVICE AGENT IS A PERSON WHO IS EMPLOYED BY THE UNITED STATES GOVERNMENT, ASSIGNED TO THE UNITED STATES SECRET SERVICE, 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 HIS OR HER DUTIES AS A FEDERAL LAW ENFORCEMENT OFFICER.

(3) UPON EFFECTING AN ARREST UNDER THE AUTHORITY OF THIS SECTION, A SECRET SERVICE AGENT 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 SECRET SERVICE AGENT.

(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: April 19, 2013