

WORKING DRAFT

HOUSE BILL NO. _____

Peace officers-extraterritorial authority.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to peace officers; amending the
 2 extraterritorial authority of peace officers as specified;
 3 providing for immunity; apportioning compensation and costs
 4 as specified; providing for the continuation of the common
 5 law doctrine of fresh pursuit; and providing for an
 6 effective date.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 7-2-108 is created to read:

11

12 **7-2-108. Municipal peace officers; jurisdiction.**

13

1 (a) Any peace officer employed by a municipal police
2 force and qualified pursuant to W.S. 9-1-701 through
3 9-1-707 may exercise his authority as peace officer:

4

5 (i) Anywhere within the corporate limits of the
6 municipality in which the officer is employed;

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8 (ii) Outside the corporate limits of the
9 municipality in which the officer is employed when on
10 property owned by or under the control of the municipality;
11 and

12

13 (iii) Outside the corporate limits of the
14 municipality in which the peace officer is employed, when
15 in fresh pursuit of an individual. For purposes of this
16 paragraph, "fresh pursuit" means pursuit without
17 unnecessary delay and initiated within the corporate limits
18 of the municipality, or from property owned by or under the
19 control of the municipality, for violation of a municipal
20 ordinance or state law committed in view of the peace
21 officer.

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23 **Section 2.** W.S. 7-2-106(a) and 18-3-602 by creating
24 new subsections (f) and (g) are amended to read:

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2 **7-2-106. Requests for assignment of peace officers;**
3 **extraterritorial authority of peace officers; liability;**
4 **compensation.**

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6 (a) The chief of police of any municipality, or the
7 sheriff of any county, subject to rules and procedures
8 established by the governing body of any municipality or
9 county, may request the chief of police of any other
10 municipality, or the sheriff of any other county to assign
11 certified peace officers under their respective command to
12 perform ~~temporary~~ law enforcement duties ~~relating to a~~
13 ~~specific incident~~ within the jurisdiction of the requesting
14 chief of police or sheriff and under the direction and
15 control of the requesting chief or sheriff. Peace
16 officers, while so assigned and performing duties, are
17 subject to the direction and control of the requesting
18 chief or sheriff and shall have full peace officer's
19 authority within the requesting agency's jurisdiction
20 during the ~~temporary~~ assignment.

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22 **18-3-602. Qualifications, appointment, duties and**
23 **salary of undersheriff; deputies, clerks, stenographers and**

1 **assistants; appointment of deputies for special acts;**
2 **appointment of deputies by county commissioners.**

3
4 (f) Each county sheriff may also appoint as deputies
5 any other peace officers as defined in W.S.
6 7-2-101(a)(iv)(A) through (J) for the purpose of countywide
7 law enforcement. Appointments under this section shall not
8 be required to be filed or revoked as in the case of
9 regular deputies.

10
11 (g) A Wyoming peace officer designated in subsection
12 (f) of this section who makes an arrest or issues a
13 citation pursuant to this section outside his own
14 jurisdiction shall be deemed to be acting within the scope
15 of his duties for purposes of the Wyoming Governmental
16 Claims Act and the state self-insurance program, W.S.
17 1-41-101 through 1-41-111 or the local government self-
18 insurance program, W.S. 1-42-101 through 1-42-207. All
19 privileges and immunities from liability, and all pension,
20 disability, workers' compensation and other benefits which
21 normally apply to peace officers while they perform their
22 duties within their own jurisdiction shall also apply to
23 them when acting as provided in W.S. 7-2-106. For purposes
24 of W.S. 27-14-104, the requesting and assigning law

1 enforcement agency shall be a joint employer as defined
2 under W.S. 27-14-102(a)(xix) and the designated peace
3 officer shall be a joint employee as defined in W.S.
4 27-14-102(a)(xxi). The cost of salary and benefits
5 accruing to a peace officer, while performing duties at the
6 request of another law enforcement jurisdiction, shall be
7 borne by the peace officer's own employing agency. The
8 cost of any damage to equipment belonging to the officer or
9 his employer occurring while acting under the provisions of
10 subsection (f) of this section shall be borne by the
11 requesting law enforcement agency.

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13 **Section 3.** The common law doctrine of fresh pursuit
14 is intended to continue as it existed prior to the
15 effective date of this act, except as specifically modified
16 by this act.

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18 **Section 4.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

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23

(END)