

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; conforming provisions; and providing for an
5 effective date.

6

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

8

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

10

11 **7-2-108. Municipal peace officers; jurisdiction.**

12

13 (a) Any peace officer employed by a municipal police
14 force and qualified pursuant to W.S. 9-1-701 through
15 9-1-707 may exercise his authority as peace officer:

1

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

4

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

9

10 (iii) Outside the corporate limits of the
11 municipality in which the peace officer is employed, when
12 in fresh pursuit of an individual. For purposes of this
13 paragraph, "fresh pursuit" means pursuit without
14 unnecessary delay of a person whom the officer has probable
15 cause to believe has committed a violation of a municipal
16 ordinance or state law within the officer's jurisdiction or
17 for whom an arrest warrant is outstanding for any criminal
18 or traffic offense.

19

20 **Section 2.** W.S. 6-1-104(a)(vi)(C)(II) and (F)(II), 7-
21 2-101(a)(iv)(C)(II), (E)(II), and (G), 7-2-106(a), 9-1-
22 633(b)(iii) and (iv) and by creating a new paragraph (v)
23 and 18-3-602 by creating new subsections (f) and (g) are
24 amended to read:

1

2 **6-1-104. Definitions.**

3

4 (a) As used in W.S. 6-1-101 through 6-10-203 unless
5 otherwise defined:

6

7 (vi) "Peace officer" includes the following
8 officers assigned to duty in the state of Wyoming:

9

10 (C) Game and fish law enforcement personnel
11 qualified pursuant to W.S. 9-1-701 through 9-1-707 and:

12

13 (II) While responding to requests to
14 assist other peace officers performing their official
15 duties, when acting pursuant to an appointment under W.S.
16 18-3-602(f) or when enforcing a valid arrest warrant for
17 any crime; or

18

19 (F) Investigators and brand inspectors of
20 the Wyoming livestock board who have qualified pursuant to
21 W.S. 9-1-701 through 9-1-707 when:

22

23 (II) Responding to a request to assist
24 another peace officer as defined in this paragraph

1 performing his official duty or when acting pursuant to an
2 appointment under W.S. 18-3-602(f); or

3

4 **7-2-101. Definitions.**

5

6 (a) As used in W.S. 7-2-101 through 7-2-107:

7

8 (iv) "Peace officer" means:

9

10 (C) Game and fish law enforcement personnel
11 qualified pursuant to W.S. 9-1-701 through 9-1-707 and:

12

13 (II) While responding to requests to
14 assist other peace officers performing their official
15 duties, when acting pursuant to an appointment under W.S.
16 18-3-602(f) or when enforcing a valid arrest warrant for
17 any crime; or

18

19 (E) Investigators and brand inspectors of
20 the Wyoming livestock board who have qualified pursuant to
21 W.S. 9-1-701 through 9-1-707:

22

23 (II) When responding to a request to
24 assist another peace officer as defined in this paragraph

1 performing his official duty or when acting pursuant to an
2 appointment under W.S. 18-3-602(f); or

3
4 (G) Any superintendent, assistant
5 superintendent or full-time park ranger of any state park
6 or historic site who has qualified pursuant to W.S. 9-1-701
7 through 9-1-707, when acting within the boundaries of the
8 state park or historic site, when acting pursuant to an
9 appointment under W.S. 18-3-602(f) or when responding to a
10 request to assist other peace officers performing their
11 official duties;

12
13 **7-2-106. Requests for assignment of peace officers;**
14 **extraterritorial authority of peace officers; liability;**
15 **compensation.**

16
17 (a) The chief of police of any municipality or his
18 designee, or the sheriff of any county or his designee,
19 ~~subject to~~ in accordance with the rules and procedures
20 established by the governing body of any municipality or
21 county, may request the chief of police of any other
22 municipality, or his designee, or the sheriff of any other
23 county, or his designee, to assign certified peace officers
24 under their respective command to perform ~~temporary~~ law

1 enforcement duties ~~relating to a specific incident~~ within
2 the jurisdiction of the requesting chief of police or
3 sheriff. ~~and under the direction and control of the~~
4 ~~requesting chief or sheriff.~~ Peace officers, while so
5 assigned and performing duties, are subject to the
6 direction and control of the requesting chief or sheriff
7 and shall have full peace ~~officer's~~ officer authority
8 within the requesting agency's jurisdiction during the
9 ~~temporary~~ assignment.

10
11 **9-1-633. Wyoming law enforcement academy; director;**
12 **appointment; term; qualifications; employees; salaries;**
13 **curriculum and training programs; fees; disposition.**

14
15 (b) The director may employ assistants, instructors
16 and other personnel as approved by the attorney general
17 with the consent of the governor. The attorney general may
18 appoint the director as a peace officer, if qualified
19 pursuant to W.S. 9-1-701 through 9-1-707. The director may
20 appoint full-time staff instructors who qualify pursuant to
21 W.S. 9-1-701 through 9-1-707 to perform as peace officers.
22 Persons appointed as peace officers pursuant to this
23 subsection shall be considered peace officers only:

24

1 (iii) When providing security for designated
2 individuals on or about state property; ~~or~~

3
4 (iv) While responding to requests to assist
5 other peace officers performing their official duties; ~~or~~

6
7 (v) When acting pursuant to an appointment under
8 W.S. 18-6-602(f).

9
10 **18-3-602. Qualifications, appointment, duties and**
11 **salary of undersheriff; deputies, clerks, stenographers and**
12 **assistants; appointment of deputies for special acts;**
13 **appointment of deputies by county commissioners.**

14
15 (f) Each county sheriff may also appoint as deputies
16 any other peace officers as defined in W.S.
17 7-2-101(a)(iv)(A) through (G) and (N) for the purpose of
18 countywide law enforcement. Before becoming effective, an
19 appointment under this section shall be approved by the
20 officer's employing agency. Appointments under this section
21 are not required to be filed or revoked as in the case of
22 regular deputies.

23

1 (g) A Wyoming peace officer acting pursuant to an
2 appointment under subsection (f) of this section shall be
3 deemed to be acting within the scope of his duties for
4 purposes of the Wyoming Governmental Claims Act and the
5 state self-insurance program, W.S. 1-41-101 through
6 1-41-111 or the local government self-insurance program,
7 W.S. 1-42-101 through 1-42-207. All privileges and
8 immunities from liability, and all pension, disability,
9 workers' compensation and other benefits which normally
10 apply to peace officers while they perform their duties
11 within their own jurisdiction shall also apply to them when
12 acting as provided in subsection (f) of this section. For
13 purposes of W.S. 27-14-104, the requesting law enforcement
14 agency and the law enforcement agency employing the
15 designated peace officer shall be a joint employer as
16 defined under W.S. 27-14-102(a)(xix) and the designated
17 peace officer shall be a joint employee as defined in W.S.
18 27-14-102(a)(xxi). The cost of salary and benefits
19 accruing to a peace officer, while performing duties
20 pursuant to an appointment under subsection (f) of this
21 section, shall be borne by the peace officer's own
22 employing agency. The cost of any damage to equipment
23 belonging to the officer or his employer occurring while

1 acting under the provisions of subsection (f) of this
2 section shall be borne by the county sheriff.

3

4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)