

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. 7-2-101(a)(iv)(G), 7-2-106 by
10 creating a new subsection (a) and amending and renumbering
11 (a) and (b) as (b) and (c) and 9-1-633(b)(iv) are amended
12 to read:

13

14 **7-2-101. Definitions.**

15

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

2

3 (iv) "Peace officer" means:

4

5 (G) Any superintendent, assistant
6 superintendent or full-time park ranger of any state park
7 or historic site who has qualified pursuant to W.S. 9-1-701
8 through 9-1-707, when acting within the boundaries of the
9 state park or historic site, or when ~~responding to a~~
10 ~~request to assist other peace officers performing their~~
11 ~~official duties~~ acting pursuant to W.S. 7-2-106;

12

13 **7-2-106. Extraterritorial authority of peace**
14 **officers; requests for assignment of peace officers;**
15 **liability; compensation.**

16

17 (a) All authority that applies to peace officers as
18 defined in W.S. 7-2-101(a)(iv)(A) through (G) and (N), when
19 performing their functions and duties within the
20 territorial limits of the respective city, county, college,
21 university, state park, state historic site, state agency
22 or political subdivision in which they are employed shall
23 apply to them outside those territorial limits to the same

1 degree and extent when any one (1) of the following
2 conditions exist:

3

4 (i) The peace officer is responding to a request
5 to assist another peace officer performing his official
6 duties;

7

8 (ii) The peace officer possesses probable cause
9 to believe that a crime is occurring involving a felony or
10 an immediate threat of serious bodily injury or death to
11 any person; or

12

13 (iii) The peace officer is in fresh pursuit of a
14 person whom the officer has probable cause to believe has
15 committed within the officer's jurisdiction a violation of
16 a municipal ordinance or state statute, including traffic
17 infractions, or for whom an arrest warrant is outstanding
18 for any criminal or traffic offense.

19

20 ~~(a)~~(b) The chief of police of any municipality or his
21 designee, or the sheriff of any county or his designee,
22 ~~subject to~~ in accordance with the rules and procedures
23 established by the governing body of any municipality or
24 county, may request the chief of police of any other

1 municipality, or his designee, or the sheriff of any other
2 county, or his designee, to assign certified peace officers
3 under their respective command to perform ~~temporary~~ law
4 enforcement duties ~~relating to a specific incident~~ within
5 the jurisdiction of the requesting chief of police or
6 sheriff. ~~and under the direction and control of the~~
7 ~~requesting chief or sheriff.~~ Peace officers, while so
8 assigned and performing duties, are subject to the
9 direction and control of the requesting chief or sheriff
10 and shall have full peace ~~officer's~~ officer authority
11 within the requesting agency's jurisdiction during the
12 ~~temporary~~ assignment.

13

14 ~~(b)(c)~~ A peace officer ~~designated in subsection~~
15 acting pursuant to subsections (a) or (b) of this section
16 ~~who makes an arrest or issues a citation pursuant to this~~
17 ~~section~~ outside his own jurisdiction shall be deemed to be
18 acting within the scope of his duties for purposes of the
19 Wyoming Governmental Claims Act and the state
20 self-insurance program, W.S. 1-41-101 through 1-41-111 or
21 the local government self-insurance program, W.S. 1-42-101
22 through 1-42-207. All privileges and immunities from
23 liability, and all pension, disability, worker's
24 compensation and other benefits which normally apply to

1 peace officers while they perform their duties in their own
2 jurisdiction shall also apply to them when acting as
3 provided in ~~subsection~~subsections (a) or (b) of this
4 section. For purposes of W.S. 27-14-104, the requesting and
5 assigning law enforcement agencies shall be a joint
6 employer as defined under W.S. 27-14-102(a)(xix) and the
7 designated peace officer shall be a joint employee as
8 defined under W.S. 27-14-102(a)(xxi). The cost of salary
9 and benefits accruing to a peace officer, while performing
10 duties at the request of another law enforcement
11 jurisdiction, shall be borne by the individual peace
12 officer's own employing agency. The cost of any damage to
13 equipment belonging to the officer or his employer
14 occurring while acting under the provisions of this section
15 shall be borne by the requesting law enforcement agency.

16

17

18 **9-1-633. Wyoming law enforcement academy; director;**
19 **appointment; term; qualifications; employees; salaries;**
20 **curriculum and training programs; fees; disposition.**

21

22 (b) The director may employ assistants, instructors
23 and other personnel as approved by the attorney general
24 with the consent of the governor. The attorney general may

1 appoint the director as a peace officer, if qualified
2 pursuant to W.S. 9-1-701 through 9-1-707. The director may
3 appoint full-time staff instructors who qualify pursuant to
4 W.S. 9-1-701 through 9-1-707 to perform as peace officers.
5 Persons appointed as peace officers pursuant to this
6 subsection shall be considered peace officers only:

7

8 (iv) While ~~responding to requests to assist~~
9 ~~other peace officers performing their official duties~~
10 acting pursuant to W.S. 7-2-106.

11

12 **Section 2.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17

(END)