

HOUSE BILL NO. HB0048

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.

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

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9 **Section 1.** W.S. 7-2-101(a)(iv)(G), 7-2-106,
 10 9-1-633(b)(iv) and 18-3-602(c), (d) and (e)(intro) are
 11 amended to read:

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13 **7-2-101. Definitions.**

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

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17 (iv) "Peace officer" means:

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

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

(a) A peace officer, while outside of his jurisdiction, shall have the same authority that applies to him within his jurisdiction to the same degree and extent only when any one (1) of the following conditions exists:

(i) The peace officer is responding to a request for law enforcement assistance made by a law enforcement agency of another jurisdiction or a specific request to assist another peace officer acting within the scope of his official duties in another jurisdiction;

1 (ii) The peace officer possesses probable cause
2 to believe there is an immediate threat of serious bodily
3 injury or death to any person; or

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5 (iii) The peace officer is in fresh pursuit of a
6 person whom the officer has probable cause to believe has
7 committed within the officer's jurisdiction a violation of
8 a municipal ordinance or state statute, including traffic
9 infractions, or for whom an arrest warrant is outstanding
10 for any criminal or traffic offense.

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12 ~~(a)~~(b) The governing body of any municipality that
13 does not have a police department, the chief of police of
14 any municipality or his designee, or the sheriff of any
15 county or his designee, ~~subject to~~ in accordance with the
16 rules and procedures established by the governing body of
17 any municipality or county, may request the chief of police
18 of any other municipality, or his designee, or the sheriff
19 of any other county, or his designee, to assign certified
20 peace officers under their respective command to perform
21 ~~temporary~~ law enforcement duties ~~relating to a specific~~
22 ~~incident~~ within the jurisdiction of the requesting chief of
23 police or sheriff. ~~and under the direction and control of~~
24 ~~the requesting chief or sheriff.~~ Peace officers, while so

1 assigned and performing duties, are subject to the
2 direction and control of the requesting chief or sheriff
3 and shall have full peace ~~officer's~~officer authority
4 within the requesting agency's jurisdiction during the
5 ~~temporary~~ assignment. The assignments under this
6 subsection shall be restricted to the terms of a written
7 memorandum of understanding entered into in advance by each
8 participating sheriff, chief of police or appropriate
9 supervisor of another agency employing peace officers and
10 by the governing bodies of their respective counties or
11 municipalities. The memorandum of understanding shall, at
12 minimum, specify:

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14 (i) The length of term of the assignment, not to
15 exceed one (1) month beyond the current term of office of
16 any participating sheriff or chief of police;

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18 (ii) The certified peace officers covered by the
19 assignment;

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21 (iii) A general description of the geographical
22 boundaries of territory covered by the assignment;

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1 (iv) The responsibilities of each participating
2 county, municipality and law enforcement agency for costs
3 and expenses related to the assignments, including the cost
4 of all wages, salaries, benefits and damage to equipment
5 belonging to an officer or his employer while acting under
6 the provisions of this subsection.

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8 ~~(b)(c)~~ A peace officer ~~designated in acting pursuant~~
9 ~~to~~ subsection (a) or (b) of this section ~~who makes an~~
10 ~~arrest or issues a citation pursuant to this section~~
11 outside his own jurisdiction shall be deemed to be acting
12 within the scope of his duties for purposes of the Wyoming
13 Governmental Claims Act and the state self-insurance
14 program, W.S. 1-41-101 through 1-41-111, or the local
15 government self-insurance program, W.S. 1-42-101 through
16 1-42-207. All privileges and immunities from liability, and
17 all pension, disability, worker's compensation and other
18 benefits which normally apply to peace officers while they
19 perform their duties in their own jurisdiction shall also
20 apply to them when acting as provided in subsection (a) or
21 (b) of this section. For purposes of W.S. 27-14-104, the
22 requesting and assigning law enforcement agencies shall be
23 a joint employer as defined under W.S. 27-14-102(a)(xix)

1 and the designated peace officer shall be a joint employee
2 as defined under W.S. 27-14-102(a)(xxi).

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4 (d) The cost of salary and benefits accruing to a
5 peace officer, ~~while performing duties at the request of~~
6 ~~another law enforcement jurisdiction,~~ acting pursuant to
7 subsection (a) of this section shall be borne by the
8 individual peace officer's own employing agency. The cost
9 of any damage to equipment belonging to the officer or his
10 employer occurring while acting ~~under the provisions~~
11 pursuant to subsection (a) of this section shall be borne
12 by the requesting law enforcement agency.

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14 **9-1-633. Wyoming law enforcement academy; director;**
15 **appointment; term; qualifications; employees; salaries;**
16 **curriculum and training programs; fees; disposition.**

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18 (b) The director may employ assistants, instructors
19 and other personnel as approved by the attorney general
20 with the consent of the governor. The attorney general may
21 appoint the director as a peace officer, if qualified
22 pursuant to W.S. 9-1-701 through 9-1-707. The director may
23 appoint full-time staff instructors who qualify pursuant to
24 W.S. 9-1-701 through 9-1-707 to perform as peace officers.

1 Persons appointed as peace officers pursuant to this
2 subsection shall be considered peace officers only:

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

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8 **18-3-602. Qualifications, appointment, duties and**
9 **salary of undersheriff; deputies, clerks, stenographers and**
10 **assistants; appointment of deputies for special acts;**
11 **appointment of deputies by county commissioners.**

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13 (c) In addition to the authority granted under W.S.
14 7-2-106, each county sheriff may also appoint special
15 deputies to perform particular acts, which shall be
16 specified in each appointment and for whose official acts
17 he is responsible. Such appointments are not required to be
18 filed or revoked as in the case of regular deputies. No
19 county assessor shall be appointed deputy sheriff.

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21 (d) In addition to the authority granted under W.S.
22 7-2-106, each county sheriff may employ temporary deputies
23 and assistants authorized by the board of county
24 commissioners. The compensation of these deputies and

1 assistants shall be fixed by the board of county
2 commissioners.

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4 (e) In addition to the authority granted under W.S.
5 7-2-106, each board of county commissioners, when
6 extraordinary or unusual danger to life or property is in
7 progress or is threatened and the regular county officers
8 cannot maintain proper order, may appoint special deputy
9 sheriffs only for the duration of the extraordinary or
10 unusual danger. Each special deputy sheriff shall be:

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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.

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(END)