

HOUSE BILL NO. HB0152

Law enforcement interstate mutual aid.

Sponsored by: Representative(s) Cohee, Huckfeldt and Rose
and Senator(s) Vasey

A BILL

for

1 AN ACT relating to criminal procedure; authorizing law
 2 enforcement agencies of this state to enter into mutual aid
 3 agreements with law enforcement agencies of other states
 4 under certain conditions; providing definitions; providing
 5 for protection in certain situations; amending related
 6 provisions; repealing conflicting and unnecessary
 7 provisions; conforming related provisions in the
 8 Governmental Claims Act and the state self insurance
 9 program; requiring a report; and providing for an effective
 10 date.

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

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14 **Section 1.** W.S. 7-3-901 through 7-3-910 are created
 15 to read:

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ARTICLE 9

LAW ENFORCEMENT INTERSTATE MUTUAL AID

7-3-901. Short title.

This act shall be known and may be cited as the "Law Enforcement Interstate Mutual Aid Act."

7-3-902. Definitions.

(a) When used in this act, unless the context requires otherwise, the following definitions apply:

(i) "Law enforcement agency" means a lawfully established federal, state or local public agency that is responsible for the prevention and detection of crime and the enforcement of penal, traffic, regulatory or criminal laws;

(ii) "Law enforcement agency of another state" includes a law enforcement agency of another state and any political subdivision of that state;

1 (iii) "Law enforcement employee of another
2 state" means an employee of a law enforcement agency
3 trained and certified in accordance with the laws of the
4 state or jurisdiction where regularly employed by the
5 United States, another state or political subdivision;

6
7 (iv) "Mutual aid agreement" or "an agreement"
8 means an agreement between two (2) or more law enforcement
9 agencies consistent with the purposes of this act;

10
11 (v) "Party law enforcement agency" means a law
12 enforcement agency that is a party to a mutual aid
13 agreement as set forth in this act;

14
15 (vi) "Wyoming law enforcement agency" includes a
16 sheriff, municipal, college or university police force,
17 Wyoming highway patrol and the division of criminal
18 investigation;

19
20 (vii) "Wyoming law enforcement employee" has the
21 same meaning as "peace officer" as defined in W.S. 7-2-101;

22
23 (viii) "This act" means W.S. 7-3-901 through
24 7-3-910.

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2 **7-3-903. Authorization to enter agreement; general**
3 **content; authority of law enforcement employee.**

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5 (a) Any one (1) or more law enforcement agencies of
6 this state may enter into a mutual aid agreement with any
7 one (1) or more law enforcement agencies of another state
8 or the United States to render assistance in the provision
9 of the law enforcement or emergency services that the
10 requesting party is authorized by law to perform. If
11 required by applicable law, the agreement shall be
12 authorized and approved by the governing body of each party
13 to the agreement.

14

15 (b) The agreement shall fully set forth the powers,
16 rights and obligations of the parties to the agreement.

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18 (c) A mutual aid agreement may grant a law
19 enforcement employee or officer of any party law
20 enforcement agency acting within the territorial
21 jurisdiction of any other party law enforcement agency
22 authority to act as if he were a duly appointed and
23 qualified law enforcement employee or officer of the law
24 enforcement agency he is assisting.

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7-3-904. Detailed content of agreement.

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(a) Any agreement under this act shall specify the following:

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(i) Its duration, which shall be not more than two (2) years;

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(ii) The purpose of the agreement;

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(iii) The manner of financing the agreement and establishing and maintaining a budget therefor;

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(iv) The method to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination;

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(v) Provision for administering the agreement, which may include creation of a joint board responsible for such administration;

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1 (vi) The manner of acquiring, holding and
2 disposing of real and personal property used in the
3 agreement;

4
5 (vii) The minimum standards for law enforcement
6 employees implementing the provisions of the agreement;

7
8 (viii) The respective liability of each party to
9 the agreement for the actions of law enforcement employees
10 when acting under the provisions of the agreement;

11
12 (ix) The minimum insurance, if any, required of
13 each party to the agreement;

14
15 (x) The exact chain of command or delegation of
16 authority to be followed by law enforcement employees
17 acting under the provisions of the agreement;

18
19 (xi) The enforcement authority that the law
20 enforcement employee of each party law enforcement agency
21 may exercise;

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1 (xii) Provisions for any specific immunities not
2 listed in W.S. 7-3-910 and for defending law enforcement
3 employees in civil litigation;

4

5 (xiii) Any other necessary and proper matters.

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7 **7-3-905. Right of state in actions involving**
8 **agreements.**

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10 In any case or controversy involving performance or
11 interpretation of or liability under a mutual aid agreement
12 entered into between one (1) or more law enforcement
13 agencies of political subdivisions of this state and one
14 (1) or more law enforcement agencies of another state or of
15 the United States, the parties to the agreement are the
16 real parties in interest.

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18 **7-3-906. Agreement not to relieve agency of duties.**

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20 No agreement made under this act may relieve any law
21 enforcement agency of this state of any duty imposed upon
22 it by law. Timely performance of such a duty by a joint
23 board or other legal or administrative entity created by a

1 mutual aid agreement may be offered in satisfaction of the
2 duty.

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4 **7-3-907. Limitation of powers.**

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6 Except for the right granted by this act to jointly
7 exercise powers, this act does not authorize any law
8 enforcement agency of this state to exercise any power
9 within this state that it is not otherwise authorized to
10 exercise.

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12 **7-3-908. Submission of agreement to attorney general.**

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14 (a) As a condition precedent to an agreement becoming
15 effective under this act, the agreement shall be submitted
16 to and receive the approval of the attorney general.

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18 (b) Within sixty (60) days of receipt, the attorney
19 general shall approve an agreement submitted to him under
20 this act unless he finds that it is not in proper form,
21 does not meet the requirements set forth in this act or
22 otherwise does not conform to the laws of Wyoming. If he
23 disapproves an agreement, he shall provide a detailed,

1 written statement to the governing bodies of the party law
2 enforcement agencies.

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4 (c) The attorney general shall annually report the
5 status of agreements approved by him under this act no
6 later than March 1 of each year to the joint judiciary
7 interim committee.

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9 **7-3-909. Filing of agreement.**

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11 Within twenty (20) days after approval by the attorney
12 general, an agreement made pursuant to this act shall be
13 filed in the office of the secretary of state.

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15 **7-3-910. Immunity.**

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17 Whenever the employees of a law enforcement agency of
18 another state are rendering aid pursuant to the request of
19 a Wyoming law enforcement agency under an agreement
20 pursuant to this act, the employees shall have the same
21 powers, duties, rights, privileges and immunities as
22 comparable Wyoming law enforcement employees.

23

1 **Section 2.** W.S. 1-39-103(a)(iii), 1-41-102(a)(iv),
2 6-1-104(a)(vi) by creating a new subparagraph (N),
3 7-2-101(a)(iv) by creating a new subparagraph (M) and
4 7-3-103(a)(intro) and by creating a new paragraph (v) are
5 amended to read:

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7 **1-39-103. Definitions.**

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9 (a) As used in this act:

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11 (iii) "Peace officer" means as defined by W.S.
12 7-2-101, but does not include those officers defined by
13 W.S. 7-2-101(a)(iv)(K), or those officers defined by W.S.
14 7-2-101(a)(iv)(M) unless otherwise provided in the
15 applicable mutual aid agreement;

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17 **1-41-102. Definitions.**

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19 (a) As used in this act:

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21 (iv) "Peace officer" means as defined by W.S.
22 7-2-101, but does not include those officers defined by
23 W.S. 7-2-101(a)(iv)(K), or those officers defined by W.S.

1 7-2-101(a)(iv)(M) unless otherwise provided in the
2 applicable mutual aid agreement;

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4 **6-1-104. Definitions.**

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

8

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

11

12 (N) Certified law enforcement officers of
13 another state while responding to a request for assistance
14 from a peace officer in this state pursuant to the "Law
15 Enforcement Interstate Mutual Aid Act" or other lawful
16 request.

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18 **7-2-101. Definitions.**

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20 (a) As used in W.S. 7-2-101 through 7-2-105:

21

22 (iv) "Peace officer" means:

23

1 (M) Certified law enforcement officers of
2 another state while responding to a request for assistance
3 from a peace officer in this state pursuant to the "Law
4 Enforcement Interstate Mutual Aid Act" or other lawful
5 request.

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7 **7-3-103. Purpose and objects; required ratification.**

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9 (a) Any agreement or compact entered into under W.S.
10 7-3-101 through ~~7-3-107~~7-3-103 shall be designed to
11 suppress crime, to circumvent the activities of criminals
12 and to expedite their apprehension and trial, and to
13 enforce generally the respective criminal laws and policies
14 of Wyoming and any other state entering into the agreement
15 or compact. In order to effectuate those purposes, an
16 agreement or compact may contain specific provisions for
17 the accomplishment of any of the following objects:

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19 (v) The agreement of one (1) or more law
20 enforcement agencies of this state to enter into mutual aid
21 agreements with one (1) or more law enforcement agencies of
22 this state or any other state or the United States in order
23 to facilitate and coordinate efficient, cooperative

1 enforcement efforts directed at mutual law enforcement
2 problems transcending jurisdictional boundaries.

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4 **Section 3.** W.S. 7-3-103(b) is repealed.

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6 **Section 4.** This act is effective July 1, 2002.

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(END)