

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.

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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 by
 10 creating a new subsection (a) and amending and renumbering
 11 (a) and (b) as (b) and (c), 9-1-633(b)(iv) and 18-3-602 by
 12 creating new subsections (f) and (g) are amended to read:

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

15

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

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3 (iv) "Peace officer" means:

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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;

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

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17 (a) A peace officer, while outside of his
18 jurisdiction shall have the same powers, functions and
19 jurisdiction as he possesses within his jurisdiction when
20 any one (1) of the following conditions exist:

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22 (i) The peace officer is responding to a request
23 to assist another peace officer performing his official
24 duties;

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

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

~~(a)~~(b) The chief of police of any municipality or his designee, or the sheriff of any county or his designee, ~~subject to~~ in accordance with the rules and procedures established by the governing body of any municipality or county, may request the chief of police of any other municipality, or his designee, or the sheriff of any other county, or his designee, to assign certified peace officers under their respective command to perform ~~temporary~~ law enforcement duties ~~relating to a specific incident~~ within the jurisdiction of the requesting chief of police or sheriff. ~~and under the direction and control of the~~

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

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

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

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

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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:

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

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5 **18-3-602. Qualifications, appointment, duties and**
6 **salary of undersheriff; deputies, clerks, stenographers and**
7 **assistants; appointment of deputies for special acts;**
8 **appointment of deputies by county commissioners.**

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10 (f) Each county sheriff may also appoint as deputies
11 any other peace officers as defined in W.S. 7-2-
12 101(a)(iv)(A) through (G) and (N), for the purposes of
13 countywide law enforcement. Before becoming effective, an
14 appointment under this section shall be approved by the
15 officer's employing agency. Appointments under this
16 section are not required to be filed or revoked as in the
17 case of regular deputies.

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19 (g) A Wyoming peace officer acting pursuant to an
20 appointment under subsection (f) of this section shall be
21 deemed to be acting within the scope of his duties for
22 purposes of the Wyoming Governmental Claims Act and the
23 state self-insurance program, W.S. 1-41-101 through
24 1-41-111, or the local government self-insurance program,

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

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21 **Section 2.** This act is effective immediately upon
22 completion of all acts necessary for a bill to become law
23 as provided by Article 4, Section 8 of the Wyoming
24 Constitution.

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(END)