

SENATE FILE NO. SF0067

Peace officers-extraterritorial authority.

Sponsored by: Senator(s) Larson and Roberts and  
Representative(s) Jorgensen and Law

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; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 7-2-106(a), by creating a new  
9 subsection (b) and by amending and renumbering (b) as (c)  
10 and 18-3-602(c) and by creating a new subsection (f) are  
11 amended to read:

12

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

16

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

16  
17           **(b) Peace officers employed by a municipality may**  
18 **exercise all statutory powers as law enforcement officers**  
19 **in any location within the county in which the municipality**  
20 **is located when acting in fresh pursuit of a person. As**  
21 **used in this section, "fresh pursuit" means pursuit without**  
22 **unnecessary delay of a person whom the peace officer**  
23 **reasonably suspects of having committed within the**

1 municipal officer's jurisdiction a violation of a municipal  
2 ordinance or state statute, including traffic infractions.

3

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

1 his employer occurring while acting under the provisions of  
2 this section shall be borne by the requesting law  
3 enforcement agency.

4  
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.**

9  
10 (c) Each county sheriff may also appoint ~~special as~~  
11 deputies ~~to perform particular acts, which shall be~~  
12 ~~specified in each appointment and for whose official acts~~  
13 ~~he is responsible~~ any other peace officers as defined in  
14 W.S. 7-2-101 located within the sheriff's jurisdiction for  
15 the purpose of countywide law enforcement. Such  
16 appointments are not required to be filed or revoked as in  
17 the case of regular deputies. ~~No county assessor shall be~~  
18 ~~appointed deputy sheriff.~~

19  
20 (f) A peace officer designated in subsection (c) of  
21 this section who makes an arrest or issues a citation  
22 pursuant to this section outside his own jurisdiction shall  
23 be deemed to be acting within the scope of his duties for  
24 purposes of the Wyoming Governmental Claims Act and the

1 state self-insurance program, W.S. 1-41-101 through  
2 1-41-111. All privileges and immunities from liability,  
3 and all pension, disability, workers' compensation and  
4 other benefits which normally apply to peace officers while  
5 they perform their duties within their own jurisdiction  
6 shall also apply to them when acting as provided in  
7 subsection (c) of this section. For purposes of W.S.  
8 27-14-104, the requesting and assigning law enforcement  
9 agency shall be a joint employer as defined under W.S.  
10 27-14-102(a)(xix) and the designated peace officer shall be  
11 a joint employee as defined in W.S. 27-14-102(a)(xxi). The  
12 cost of salary and benefits accruing to a peace officer,  
13 while performing duties at the request of another law  
14 enforcement jurisdiction, shall be borne by the peace  
15 officer's own employing agency. The cost of any damage to  
16 equipment belonging to the officer or his employer  
17 occurring while acting under the provisions of this section  
18 shall be borne by the requesting law enforcement agency.

19

20 **Section 2.** This act is effective July 1, 2003.

21

22

(END)