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Comment

Hello, my name is Sheriff/Coroner Leo C. Dutton, Lewis and Clark County, Helena Montana. In regard to the proposed rule changes, I have the following comments. 261.4

I oppose this rule change for the following reasons: 1) When a decision is made to arrest or cite an individual by the USFS LE, we are aware the AUSA and Federal Magistrate give little priority to this misdemeanor class of violation. Court time is delayed as there are other priorities. As stated in our position paper from the Western States Sheriff's Association, this effort to change with would appear to my citizens of this county as a usurpation of authority.

261.9

I oppose this change that allows federal law enforcement to take the lead in theft cases that are the responsibility of the sheriff.

261.10

I oppose this proposed rulemaking as it allows federal agencies to assimilate language from state code and I view it as a potential confrontation to state sovereignty.

General Comments

As the Sheriff of Lewis and Clark County, Helena Montana, for the past 15 years, I have developed a great working relationship with the USFS Law Enforcement (LE). To bridge the gap between federal and local authority, I have cross deputized qualified USFS LE to better serve their needs and ours. My office investigates misdemeanor and felony cases on a daily basis. They are current of what the state laws are and are well versed in the procedures. My citizens and comfortable with the arrangement. As coroner, my jurisdiction includes all land within the county. As described, this arrangement is cooperative and mutual beneficial.

I have no opposition to the other proposed rule changes.