HOUSE BILL No. 2262

By Committee on Corrections and Juvenile Justice

1 AN ACT concerning law enforcement; relating to requests for law
2 enforcement assistance from jurisdictions located outside the state of
3 Kansas; amending K.S.A. 2016 Supp. 48-3602 and repealing the
4 existing section.

5 Be it enacted by the Legislature of the State of Kansas:
6 Section 1. K.S.A. 2016 Supp. 48-3602 is hereby amended to read as
7 follows: 48-3602. (a) The chief law enforcement executive for any law
8 enforcement agency, or such executive's designee, may request assistance
9 from a law enforcement agency of another jurisdiction, including a
10 jurisdiction located outside the state of Kansas, but within the United
11 States.
12 (b) If a law enforcement officer makes an arrest or apprehension
13 outside such officer's jurisdiction, the offender shall be delivered to the
14 first available law enforcement officer who is commissioned in the
15 jurisdiction in which the arrest was made. The officer making the initial
16 arrest or apprehension shall assist in the preparation of any affidavits filed
17 with the complaint or based on other evidence that there is probable cause
18 to believe that both a crime has been committed and the defendant has
19 committed such crime.
20 (c) For the purposes of liability, all members of any political
21 subdivision or public safety agency responding under operational control
22 of the requesting political subdivision or public safety agency are deemed
23 employees of such responding political subdivision or public safety agency
24 and are subject to the liability and workers' compensation provisions
25 provided to them as employees of their respective political subdivision or
26 public safety agency. Qualified immunity, sovereign immunity, official
27 immunity and the public duty rule shall apply to the provisions of this
28 section as interpreted by the federal and state courts of the responding
29 agency. The Kansas tort claims act, K.S.A. 75-6101 et seq., and
30 amendments thereto, and the Kansas workers compensation act, K.S.A.
31 44-501 et seq., and amendments thereto, shall be interpreted consistent
32 with the provisions of this section.
33 (d) Nothing in this section shall be construed to limit the actions of
34 law enforcement officers or agencies conducted pursuant to K.S.A. 19-
35 828, and amendments thereto.
(e) The provisions of article 24 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 21-5220 et seq., and amendments thereto, are applicable to any law enforcement officers from jurisdictions located outside the state of Kansas, but within the United States who are acting pursuant to a request made under this section.

(f) For purposes of this section, the term "law enforcement officer" shall have the same meaning as that term is defined by K.S.A. 74-5602, and amendments thereto, or and shall also include an employee of the Kansas department of corrections, a law enforcement officer who has obtained a similar designation to one described in K.S.A. 74-5602, and amendments thereto, or a correctional officer in a jurisdiction outside the state of Kansas, but within the United States.

Sec. 2. K.S.A. 2016 Supp. 48-3602 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.