

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2549

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2549 would create new law allowing the chief law enforcement executive of any law enforcement agency, or the executive's designee, to request assistance from a law enforcement agency located outside the State of Kansas, but within the United States. A law enforcement officer making an arrest or apprehension outside of his or her jurisdiction would be required to deliver the offender to the first available officer from the appropriate jurisdiction. The officer making the initial arrest or apprehension also would be required to assist in the preparation of affidavits to establish probable cause that the person apprehended committed a crime.

All members of any locality or public safety agency responding to a request for assistance from another jurisdiction would be deemed employees of the responding locality or public safety agency for liability purposes and would be subject to the liability and workers' compensation provisions provided to them as employees of their own jurisdiction. Qualified immunity, sovereign immunity, official immunity, and the public duty rule, as interpreted by the federal and state courts of the responding jurisdiction, would apply to situations arising under the provisions of bill. The bill would require that the Kansas Tort Claims Act and the Kansas Workers Compensation Act be interpreted consistently with the provisions of the bill.

The bill could not be construed to limit the actions of law enforcement officers or agencies under current law, which

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

allows officers or agencies to enter into agreements with bordering states' law enforcement entities for the enforcement of controlled substances laws or for the prevention, detection, or investigation of terroristic activity.

Law enforcement officers or agencies outside of Kansas would be required to make arrests and use force in accordance with Kansas law.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced in the House Committee on Federal and State Affairs at the request of Representative Dove. At the hearing before the House Committee, several conferees testified in support of the bill, including: Representative Dove; a representative of the Kansas City Metro Tactical Officers Association; a representative of the Kansas Association of Chiefs of Police, Kansas Sheriffs' Association, and Kansas Peace Officers Association; the Chief of the Lenexa Police Department; a representative of the Leavenworth County Sheriff's Office; and a representative of the League of Kansas Municipalities. Proponents submitting written testimony included the City of Shawnee and the City of Overland Park. Proponents testified the bill is needed to authorize Kansas law enforcement officers to cooperate with other jurisdictions in sudden critical incidents and ongoing investigations. No neutral or opponent testimony was presented.

The House Committee on Federal and State Affairs amended the bill to clarify that the provisions of this bill would apply to law enforcement located outside the State of Kansas but within the United States.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, enactment of the bill would have no fiscal effect on Kansas Highway Patrol

operations. The League of Kansas Municipalities indicates enactment could have a fiscal effect upon Kansas cities, but a precise fiscal effect cannot be measured at this time.