

Law Enforcement Assistance from Foreign Jurisdictions; HB 2549

HB 2549 creates 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 is required to deliver the offender to the first available officer from the appropriate jurisdiction. The officer making the initial arrest or apprehension also is 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 are deemed employees of the responding locality or public safety agency for liability purposes and are 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, apply to situations arising under the provisions of bill. The bill requires that the Kansas Tort Claims Act and the Kansas Workers Compensation Act be interpreted consistently with the provisions of the bill.

The bill cannot be construed to limit the actions of law enforcement officers or agencies under continuing law, which 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 are required to make arrests and use force in accordance with Kansas law.