

HOUSE BILL No. 2262

By Committee on Corrections and Juvenile Justice

2-2

Proposed Amendments to HB 2262
House Corrections and Juvenile Justice
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Office of Revisor of Statutes
February 15, 2017

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
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2016 Supp. 48-3602 is hereby amended to read as
8 follows: 48-3602. (a) The chief law enforcement executive for any law
9 enforcement agency, or such executive's designee, may request assistance
10 from a law enforcement agency of another jurisdiction, including a
11 jurisdiction located outside the state of Kansas, but within the United
12 States.

13 (b) If a law enforcement officer makes an arrest or apprehension
14 outside such officer's jurisdiction, the offender shall be delivered to the
15 first available law enforcement officer who is commissioned in the
16 jurisdiction in which the arrest was made. The officer making the initial
17 arrest or apprehension shall assist in the preparation of any affidavits filed
18 with the complaint or based on other evidence that there is probable cause
19 to believe that both a crime has been committed and the defendant has
20 committed such crime.

21 (c) For the purposes of liability, all members of any political
22 subdivision or public safety agency responding under operational control
23 of the requesting political subdivision or public safety agency are deemed
24 employees of such responding political subdivision or public safety agency
25 and are subject to the liability and workers' compensation provisions
26 provided to them as employees of their respective political subdivision or
27 public safety agency. Qualified immunity, sovereign immunity, official
28 immunity and the public duty rule shall apply to the provisions of this
29 section as interpreted by the federal and state courts of the responding
30 agency. The Kansas tort claims act, K.S.A. 75-6101 et seq., and
31 amendments thereto, and the Kansas workers compensation act, K.S.A.
32 44-501 et seq., and amendments thereto, shall be interpreted consistent
33 with the provisions of this section.

34 (d) Nothing in this section shall be construed to limit the actions of
35 law enforcement officers or agencies conducted pursuant to K.S.A. 19-
36 828, and amendments thereto.

1 (e) The provisions of article 24 of chapter 22 of the Kansas Statutes
 2 Annotated, and amendments thereto, and K.S.A. 21-5220 et seq., and
 3 amendments thereto, are applicable to any law enforcement officers from
 4 jurisdictions located outside the state of Kansas, but within the United
 5 States who are acting pursuant to a request made under this section.

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

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

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

;
 (1) An employee of the Kansas department of corrections;
 (2) a law enforcement officer who has obtained a similar designation to one described in K.S.A. 74-5602, and amendments thereto, in a jurisdiction outside the state of Kansas, but within the United States; and
 (3) a correctional officer in a jurisdiction outside the state of Kansas, but within the United States