

SENATE BILL No. 435

By Committee on Judiciary

2-1

1 AN ACT concerning law enforcement; relating to law enforcement
2 officers; expanding jurisdiction and powers thereof; amending K.S.A.
3 72-6146 and K.S.A. 2021 Supp. 22-2401a and repealing the existing
4 sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2021 Supp. 22-2401a is hereby amended to read as
8 follows: 22-2401a. (a) (1) Law enforcement officers employed by
9 consolidated county law enforcement agencies or departments and sheriffs
10 and their deputies may exercise ~~their powers as~~ *the powers and authority*
11 *of law enforcement officers:*

12 ~~(a) anywhere within their county; and~~

13 ~~(b) in any other place when a request for assistance has been made by~~
14 ~~law enforcement officers from that place or when in fresh pursuit of a~~
15 ~~person.~~

16 (2) Law enforcement officers employed by any city may exercise
17 ~~their powers as~~ *the powers and authority of law enforcement officers:*

18 ~~(a) anywhere within the city limits of the city employing them and~~
19 ~~outside of such city when on property owned or under the control of such~~
20 ~~city; and~~

21 ~~(b) in any other place when a request for assistance has been made by~~
22 ~~law enforcement officers from that place or when in fresh pursuit of a~~
23 ~~person.~~

24 ~~(3)(a)~~ (b) (1) Law enforcement officers employed by a Native
25 American Indian Tribe may exercise *the powers and authority* of law
26 enforcement officers anywhere within the exterior limits of the reservation
27 of the tribe employing such tribal law enforcement officer, subject to the
28 following:

29 ~~(i)~~(A) The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be
30 applicable only as long as such Native American Indian Tribe maintains in
31 force a valid and binding agreement with an insurance carrier to provide
32 liability insurance coverage for damages arising from the acts, errors or
33 omissions of such tribal law enforcement agency or officer while acting
34 pursuant to this section and waives its tribal immunity, as provided in
35 subsection ~~(3)(b)~~ (c)(2), for any liability for damages arising from the acts,
36 errors or omissions of such tribal law enforcement agency or officer while

1 acting pursuant to this section. Such insurance policy shall: ~~(A)(1)~~ (i) (a)
 2 Be in an amount not less than \$500,000 for any one person and \$2,000,000
 3 for any one occurrence for personal injury and \$1,000,000 for any one
 4 occurrence for property damage; ~~(2)~~ (b) be in an amount not less than
 5 \$2,000,000 aggregate loss limit; and ~~(3)~~ (c) carry an endorsement to
 6 provide coverage for mutual aid assistance; and ~~(B)~~ (ii) include an
 7 endorsement providing that the insurer may not invoke tribal sovereign
 8 immunity up to the limits of the policy set forth herein. Any insurance
 9 carrier providing to a tribe the liability insurance coverage described in
 10 this subsection shall certify to the attorney general that the tribe has in
 11 effect coverage which complies with the requirements of this subsection.
 12 Such carrier shall notify the attorney general immediately by first class
 13 mail if for any reason such coverage terminates or no longer complies with
 14 the requirements of this subsection.

15 ~~(ii)(B)~~ The provisions of ~~subsection (3)(a)~~ *this paragraph* shall be
 16 applicable only if such Native American Indian Tribe has filed with the
 17 county clerk a map clearly showing the boundaries of the tribe's
 18 reservation as defined in this section.

19 ~~(b)(2)~~ If a claim is brought against any tribal law enforcement agency
 20 or officer for acts committed by such agency or officer while acting
 21 pursuant to this section, such claim shall be subject to disposition as if the
 22 tribe was the state pursuant to the Kansas tort claims act, provided that
 23 such act shall not govern the tribe's purchase of insurance. The tribe shall
 24 waive its sovereign immunity solely to the extent necessary to permit
 25 recovery under the liability insurance, but not to exceed the policy limits.

26 ~~(e)(3)~~ Nothing in this subsection ~~(3)~~ shall be construed to prohibit any
 27 agreement between any state, county or city law enforcement agency and
 28 any Native American Indian Tribe.

29 ~~(d)(4)~~ Nothing in this subsection ~~(3)~~ shall be construed to affect the
 30 provision of law enforcement services outside the exterior boundaries of
 31 reservations so as to affect in any way the criteria by which the United
 32 States department of the interior makes a determination regarding
 33 placement of land into trust.

34 ~~(e)(5)~~ Neither the state nor any political subdivision of the state shall
 35 be liable for any act or failure to act by any tribal law enforcement officer.

36 ~~(4)(c)~~ University police officers employed by the chief executive
 37 officer of any state educational institution or municipal university may
 38 exercise ~~their powers as~~ *the powers and authority of* university police
 39 officers:

40 ~~(a)(1)~~ On property owned, occupied or operated by the state
 41 educational institution or municipal university, by a board of trustees of the
 42 state educational institution, an endowment association, an affiliated
 43 corporation, an athletic association, a fraternity, sorority or other student

1 group associated with the state educational institution or municipal
 2 university or at the site of a function or academic program sponsored by
 3 the state educational institution or municipal university;

4 ~~(b)(2)~~ on the streets, property and highways immediately adjacent to
 5 and coterminous with the property described in ~~subsection (4)(a)~~
 6 *paragraph (1)*;

7 ~~(e)(3)~~ within the city or county where ~~such property as described in~~
 8 ~~this subsection~~ *property described in paragraph (1) or (2)* is located, as
 9 necessary to protect the health, safety and welfare of students and faculty
 10 of the state educational institution or municipal university, with
 11 appropriate agreement by the local law enforcement agencies. Such
 12 agreements shall include provisions defining the geographical scope of the
 13 jurisdiction conferred, circumstances requiring the extended jurisdiction,
 14 scope of law enforcement powers and duration of the agreement. Any
 15 agreement entered into pursuant to this provision shall be approved by the
 16 governing body of the city or county, or both, having jurisdiction where
 17 such property is located, and the chief executive officer of the state
 18 educational institution or municipal university involved before such
 19 agreement may take effect;

20 ~~(d)(4)~~ additionally, when there is reason to believe that a violation of
 21 a state law, a county resolution, or a city ordinance has occurred on
 22 property described in ~~subsection (4)(a) or (b)~~ *paragraph (1) or (2)*, such
 23 officers with appropriate notification of, and coordination with, local law
 24 enforcement agencies or departments, may investigate and arrest persons
 25 for such a violation anywhere within the city where such property, streets
 26 and highways are located. Such officers also may exercise such powers in
 27 any other place when in fresh pursuit of a person. University police
 28 officers shall also have authority to transport persons in custody to an
 29 appropriate facility, wherever it may be located. University police officers
 30 at the university of Kansas medical center may provide emergency
 31 transportation of medical supplies and transplant organs; and

32 ~~(e)(5)~~ additionally, pursuant to a written agreement between the
 33 university of Kansas hospital authority and the university of Kansas
 34 medical center, university police officers employed by the university of
 35 Kansas medical center may exercise their powers as law enforcement
 36 officers on property owned, occupied or operated by the university of
 37 Kansas healthcare system or university of Kansas hospital authority as
 38 authorized by this section and K.S.A. 76-726 and 76-3314, and
 39 amendments thereto.

40 ~~(5)(d)~~ (1) In addition to the areas where law enforcement officers
 41 may exercise ~~their powers~~ *the powers and authority of law enforcement*
 42 *officers* pursuant to ~~subsection (2) (a)(3)~~, law enforcement officers of any
 43 jurisdiction within Johnson or Sedgwick county may exercise ~~their powers~~

1 as the powers and authority of law enforcement officers in any area within
 2 the respective county when executing a valid arrest warrant or search
 3 warrant, to the extent necessary to execute such warrants.

4 ~~(6) In addition to the areas where university police officers may~~
 5 ~~exercise their powers pursuant to subsection (4), university police officers~~
 6 ~~may exercise the powers of law enforcement officers in any area outside~~
 7 ~~their normal jurisdiction when a request for assistance has been made by~~
 8 ~~law enforcement officers from the area for which assistance is requested.~~

9 ~~(7)(2) In addition to the areas where law enforcement officers may~~
 10 ~~exercise their powers~~ *the powers and authority of law enforcement officers*
 11 pursuant to subsection ~~(2) (a)(3)~~, law enforcement officers of any
 12 jurisdiction within Johnson county may exercise ~~their powers as~~ *the*
 13 *powers and authority as* law enforcement officers in any adjoining city
 14 within Johnson county when any crime, including a traffic infraction, has
 15 been or is being committed by a person in view of the law enforcement
 16 officer. A law enforcement officer shall be considered to be exercising
 17 such officer's powers pursuant to subsection ~~(2) (a)(3)~~, when such officer
 18 is responding to the scene of a crime, even if such officer exits the city
 19 limits of the city employing the officer and further reenters the city limits
 20 of the city employing the officer to respond to such scene.

21 ~~(8)(e) Campus police officers employed by a community college or~~
 22 ~~school district may exercise the power powers and authority of law~~
 23 ~~enforcement officers anywhere:~~

24 ~~(a)(1) On property owned, occupied or operated by the school district~~
 25 ~~or community college or at the site of a function sponsored by the school~~
 26 ~~district or community college;~~

27 ~~(b)(2) on the streets, property and highways immediately adjacent to~~
 28 ~~and coterminous with property described in subsection (8)(a) paragraph~~
 29 ~~(1);~~

30 ~~(e)(3) within the city or county where property described in~~
 31 ~~subsection (8)(a) paragraph (1) or (2) is located, as necessary to protect~~
 32 ~~the health, safety and welfare of students and faculty of the school district~~
 33 ~~or community college, with appropriate agreement by local law~~
 34 ~~enforcement agencies. Such agreements shall include provisions, defining~~
 35 ~~the geographical scope of the jurisdiction conferred, circumstances~~
 36 ~~requiring the extended jurisdiction, scope of law enforcement powers and~~
 37 ~~duration of the agreement. Before any agreement entered into pursuant to~~
 38 ~~this section shall take effect, it shall be approved by the governing body of~~
 39 ~~the city or county, or both, having jurisdiction where such property is~~
 40 ~~located, and the board of education or board of trustees involved; and~~

41 ~~(d)(4) with appropriate notification of and coordination with local law~~
 42 ~~enforcement agencies, within the city or county where property described~~
 43 ~~in subsection (8)(a) or (8)(b) paragraph (1) or (2) is located, when there is~~

1 reason to believe that a violation of a state law, county resolution or city
 2 ordinance has occurred on such property, as necessary to investigate and
 3 arrest persons for such a violation;

4 ~~(e) when in fresh pursuit of a person; and~~

5 ~~(f) when transporting persons in custody to an appropriate facility,~~
 6 ~~wherever it may be located.~~

7 ~~(9)(f)~~ TAG law enforcement officers employed by the adjutant
 8 general may exercise ~~their powers as police~~ *the powers and authority of*
 9 *law enforcement* officers anywhere:

10 ~~(a)(1)~~ On property owned or under the control of the Kansas national
 11 guard or any component under the command of the adjutant general;

12 ~~(b)(2)~~ on the streets, property and highways immediately adjacent to
 13 property owned or under the control of the Kansas national guard;

14 ~~(3)~~ within the city or county where ~~such property as described in~~
 15 ~~subsection (9)(a) or (b)~~ *property described in paragraph (1) or (2)* is
 16 located, as necessary to protect such property; or to protect the health,
 17 safety and welfare of members of the national guard, reserve or employees
 18 of the United States department of defense, the United States department
 19 of homeland security or any branch of the United States military, with
 20 appropriate agreement by the local law enforcement agencies. Such
 21 agreements shall include provisions defining the geographical scope of the
 22 jurisdiction conferred, circumstances requiring the extended jurisdiction,
 23 scope of law enforcement powers and duration of the agreement. Any
 24 agreement entered into pursuant to this provision shall be approved by the
 25 governing body of the city or county, or both, having jurisdiction where
 26 such property is located, and the adjutant general before such agreement
 27 may take effect. ~~In addition; and~~

28 ~~(4)~~ *additionally*, when there is reason to believe that a violation of a
 29 state law, a county resolution or a city ordinance has occurred on property
 30 described in ~~subsection (9)(a) or (b)~~ *paragraph (1) or (2)*, after providing
 31 appropriate notification to, and coordination with, local law enforcement
 32 agencies or departments, such officers may investigate and arrest persons
 33 for such a violation anywhere within the city or county where such
 34 property, streets and highways are located. ~~Such officers also may exercise~~
 35 ~~such powers in any other place when in fresh pursuit of a person. TAG law~~
 36 ~~enforcement officers shall also have authority to transport persons in~~
 37 ~~custody to an appropriate facility, wherever it may be located.~~

38 ~~(10)(g)~~ Horsethief reservoir benefit district law enforcement officers
 39 may exercise the ~~power~~ *powers* and authority of law enforcement officers
 40 anywhere:

41 ~~(a)(1)~~ On property owned, occupied or operated by the benefit district
 42 or at the site of a function sponsored by the benefit district;

43 ~~(b)(2)~~ on the streets, property and highways immediately adjacent to

1 and coterminous with property described in ~~subsection (10)(a) paragraph~~
 2 ~~(1)~~;

3 ~~(e)(3)~~ within the city or county where property described in
 4 ~~subsection (10)(a) paragraph (1) or (2)~~ is located, as necessary to protect
 5 the health, safety and welfare of benefit district employees, board
 6 members, volunteers and visitors, with appropriate agreement by local law
 7 enforcement agencies. Such agreements shall include provisions defining
 8 the geographical scope of the jurisdiction conferred, circumstances
 9 requiring the extended jurisdiction, scope of law enforcement powers and
 10 duration of the agreement. Before any agreement entered into pursuant to
 11 this section shall take effect, it shall be approved by the governing body of
 12 the city or county, or both, having jurisdiction where such property is
 13 located, and the governing board of the horsethief reservoir benefit district;
 14 *and*

15 ~~(d)(4)~~ with appropriate notification of and coordination with local law
 16 enforcement agencies, within the city or county where property described
 17 in ~~subsection (10)(a) or (10)(b) paragraph (1) or (2)~~ is located, when there
 18 is reason to believe that a violation of a state law, county resolution or city
 19 ordinance has occurred on such property, as necessary to investigate and
 20 arrest persons for such a violation;

21 ~~(e) when in fresh pursuit of a person; and~~

22 ~~(f) when transporting persons in custody to an appropriate facility,~~
 23 ~~wherever it may be located.~~

24 ~~(11)(h)~~ *All law enforcement officers not otherwise provided statewide*
 25 *jurisdiction may exercise the powers and authority of law enforcement*
 26 *officers anywhere when:*

27 *(1) A request for assistance has been made by law enforcement*
 28 *officers from the area for which assistance is requested;*

29 *(2) in fresh pursuit of a person;*

30 *(3) transporting persons in custody to an appropriate facility,*
 31 *wherever such facility may be located; and*

32 *(4) investigating a crime that occurred within the law enforcement*
 33 *officer's jurisdiction, with appropriate notification to and coordination*
 34 *with a local law enforcement agency with jurisdiction where the*
 35 *investigation is to be conducted.*

36 *(i) In addition to the jurisdictional authority provided in this section*
 37 *and any other provision of law, all law enforcement officers may exercise*
 38 *the powers and authority of law enforcement officers when outside their*
 39 *described jurisdiction and when an illegal act is observed that the officer*
 40 *reasonably believes will jeopardize the safety of any person without*
 41 *immediate action, subject to the following:*

42 *(1) The officer is in an on-duty status, traveling in a law enforcement*
 43 *vehicle to or from work or traveling to a training or law enforcement*

1 *function outside their jurisdiction;*

2 *(2) the officer reports the activity and their actions to a law*
3 *enforcement agency with jurisdiction;*

4 *(3) the officer remains at the location of the activity and cooperates*
5 *with officers responding from the jurisdiction of occurrence;*

6 *(4) the officer is in uniform or otherwise properly identified as a law*
7 *enforcement officer; and*

8 *(5) the agency employing the officer may impose additional*
9 *restrictions through written policies.*

10 *(j) As used in this section:*

11 ~~(a)~~(1) "Law enforcement officer" means:~~(i)~~ (A) Any law enforcement
12 officer as defined in K.S.A. ~~22-2202~~ 74-5602, and amendments thereto,
13 who is employed by a law enforcement agency described in this section; or
14 ~~(ii)~~ (B) any tribal law enforcement officer who is employed by a Native
15 American Indian Tribe and has completed successfully the initial and any
16 subsequent law enforcement training required under the Kansas law
17 enforcement training act.

18 ~~(b)~~(2) "University police officer" means a police officer employed by
19 the chief executive officer of:~~(i)~~ (A) Any state educational institution
20 under the control and supervision of the state board of regents; or~~(ii)~~ (B) a
21 municipal university.

22 ~~(c)~~(3) "Campus police officer" means a school security officer
23 designated as a campus police officer pursuant to K.S.A. 72-6146, and
24 amendments thereto.

25 ~~(d)~~(4) "Fresh pursuit" means pursuit, without unnecessary delay, of a
26 person who has committed a crime, or who is reasonably suspected of
27 having committed a crime.

28 ~~(e)~~(5) "Native American Indian Tribe" means the Prairie Band
29 Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of
30 Missouri and the Iowa Tribe of Kansas and Nebraska.

31 ~~(f)~~(6) "Reservation" means:

32 ~~(i)~~(A) With respect to the Iowa Tribe of Kansas and Nebraska, the
33 reservation established by treaties with the United States concluded May
34 17, 1854, and March 6, 1861;

35 ~~(ii)~~(B) with respect to the Kickapoo Nation, the reservation
36 established by treaty with the United States concluded June 28, 1862;

37 ~~(iii)~~(C) with respect to the Prairie Band Potawatomi Nation in
38 Kansas, the reservation established by treaties with the United States
39 concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

40 ~~(iv)~~(D) with respect to the Sac and Fox Nation of Missouri in Kansas
41 and Nebraska:~~(A)~~ (i) The reservation established by treaties with the
42 United States concluded May 18, 1854, and March 6, 1861, and by acts of
43 Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat.

1 208); and ~~(B)~~ (ii) the premises of the gaming facility established pursuant
2 to the gaming compact entered into between such nation and the state of
3 Kansas, and the surrounding parcel of land held in trust which lies adjacent
4 to and east of U.S. Highway 75 and adjacent to and north of Kansas
5 Highway 20, as identified in such compact.

6 ~~(g)~~(7) "TAG law enforcement officer" means a police officer
7 employed by the adjutant general pursuant to K.S.A. 48-204, and
8 amendments thereto.

9 ~~(h)~~(8) "Horsethief reservoir benefit district law enforcement officer"
10 means a police officer employed by the horsethief reservoir benefit district
11 pursuant to K.S.A. 82a-2212, and amendments thereto.

12 Sec. 2. K.S.A. 72-6146 is hereby amended to read as follows: 72-
13 6146. (a) The board of education of any school district or the board of
14 trustees of any community college may employ school security officers,
15 and may designate any one or more of such school security officers as a
16 campus police officer, to aid and supplement law enforcement agencies of
17 the state and of the city and county in which the school district or
18 community college is located.

19 (b) The protective function of school security officers shall extend to
20 all property of the school district or community college and the protection
21 of students, teachers and other employees together with the property of
22 such persons on or in any school or community college property or areas
23 adjacent thereto, or while attending or located at the site of any school or
24 community college-sponsored function. While engaged in the protective
25 functions specified in this section, each school security officer shall
26 possess and exercise all general law enforcement powers, rights,
27 privileges, protections and immunities in every county in which there is
28 located any part of the territory of the school district or community
29 college.

30 (c) The protective function of campus police officers shall extend to
31 all property of the school district or community college and the protection
32 of students, teachers and other employees together with the property of
33 such persons on or in any school or community college property or areas
34 adjacent thereto, or while attending or located at the site of any school or
35 community college-sponsored function. While engaged in the protective
36 functions specified in this section, each campus police officer shall possess
37 and exercise all general law enforcement powers, rights, privileges,
38 protections and immunities in every county in which there is located any
39 part of the territory of the school district or community college, provided
40 that such officer does not violate the memorandum of understanding
41 approved by the superintendent of the school district pursuant to K.S.A.
42 72-6143(i), and amendments thereto.

43 ~~(d) — Campus police officers shall have the power and authority of law~~

1 enforcement officers:

2 (1) ~~On property owned, occupied or operated by the school district or~~
3 ~~community college or at the site of a function sponsored by the school~~
4 ~~district or community college;~~

5 (2) ~~on the streets, property and highways immediately adjacent to and~~
6 ~~eoterminous with property described in subsection (d)(1);~~

7 (3) ~~within the city or county where property described in subsection~~
8 ~~(d)(1) is located, as necessary to protect the health, safety and welfare of~~
9 ~~students and faculty of the school district or community college, with~~
10 ~~appropriate agreement by local law enforcement agencies. Such~~
11 ~~agreements shall include provisions, defining the geographical scope of~~
12 ~~the jurisdiction conferred, circumstances requiring the extended~~
13 ~~jurisdiction, scope of law enforcement powers and duration of the~~
14 ~~agreement. Before any agreement entered into pursuant to this section~~
15 ~~shall take effect, it shall be approved by the governing body of the city or~~
16 ~~county, or both, having jurisdiction where such property is located, and the~~
17 ~~board of education or board of trustees involved;~~

18 (4) ~~with appropriate notification of and coordination with local law~~
19 ~~enforcement ageneies, within the city or county where property described~~
20 ~~in subsection (d)(1) or (d)(2) is located, when there is reason to believe~~
21 ~~that a violation of a state law, county resolution or city ordinance has~~
22 ~~occurred on such property, as necessary to investigate and arrest persons~~
23 ~~for such a violation;~~

24 (5) ~~when in fresh pursuit of a person; and~~

25 (6) ~~when transporting persons in custody to an appropriate facility,~~
26 ~~wherever it may be located.~~

27 (e) In addition to enforcement of state law, county resolutions and
28 city ordinances, campus police officers shall enforce rules and regulations
29 and rules and policies of the board of trustees or school board, whether or
30 not violation thereof constitutes a criminal offense. While on duty, campus
31 police officers shall wear and display publicly a badge of office. No such
32 badge shall be required to be worn by any plain clothes investigator or
33 departmental administrator, but any such officer shall present proper
34 credentials and identification when required in the performance of such
35 officer's duties. In performance of any of the powers, duties and functions
36 authorized by this section, K.S.A. 22-2401a, and amendments thereto, or
37 any other law, campus police officers shall have the same rights,
38 protections and immunities afforded other law enforcement officers.

39 (f)(e) The board of education of each school district shall adopt a
40 policy providing for notification of a student's parents or guardians
41 whenever the student is taken into custody by a campus police officer.

42 Sec. 3. K.S.A. 72-6146 and K.S.A. 2021 Supp. 22-2401a are hereby
43 repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.