

As Amended by House Committee

Session of 2003

HOUSE Substitute for SENATE BILL No. 9

By Committee on Federal and State Affairs

4-3

10 AN ACT concerning jurisdiction of certain law enforcement officers; re-
11 lating to Native American tribal law enforcement officers; amending
12 K.S.A. 2002 Supp. 22-2401a and repealing the existing section.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2002 Supp. 22-2401a is hereby amended to read
16 as follows: 22-2401a. (1) Law enforcement officers employed by consol-
17 idated county law enforcement agencies or departments and sheriffs and
18 their deputies may exercise their powers as law enforcement officers:

19 (a) Anywhere within their county; and

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

23 (2) Law enforcement officers employed by any city may exercise their
24 powers as law enforcement officers:

25 (a) Anywhere within the city limits of the city employing them and
26 outside of such city when on property owned or under the control of such
27 city; and

28 (b) in any other place when a request for assistance has been made
29 by law enforcement officers from that place or when in fresh pursuit of
30 a person.

31 (3) (a) *Law enforcement officers employed by a Native American In-*
32 *Indian Tribe may exercise powers of law enforcement officers anywhere*
33 *within the exterior limits of the reservation of the tribe employing such*
34 *tribal law enforcement officer, subject to the following:*

35 ~~(a)~~ (i) *The provisions of ~~this subsection (3)~~ subsection (3)(a) shall be*
36 *applicable only if such Native American Indian Tribe has entered into a*
37 *valid and binding agreement with an insurance carrier to provide liability*
38 *insurance ~~to cover the acts, errors and omissions of such tribal law en-~~*
39 *forcement agency or officer while providing assistance coverage for*
40 **damages assessed in state or federal court and arising from the**
41 **acts, errors or omissions of such tribal law enforcement agency or**
42 **officer while acting pursuant to this section. Such insurance policy shall**
43 *be in an amount not less than \$500,000 for any one person and \$2,000,000*

1 for any one occurrence for personal injury and \$1,000,000 for any one
2 occurrence for property damage **and shall carry an endorsement to**
3 **provide coverage for mutual aid assistance.** Such insurance policy
4 shall be subject to verification by the attorney general. Such insurance
5 policy shall include an endorsement providing that the insurer may not
6 invoke tribal sovereign immunity up to the limits of the policy set forth
7 herein.

8 **(ii) The provisions of subsection (3)(a) shall be applicable only**
9 **if such Native American Indian Tribe has filed with the county**
10 **clerk a map clearly showing the boundaries of the Tribe's reser-**
11 **vation as defined in this section.**

12 (b) If a claim is brought against any tribal law enforcement agency
13 or officer for acts committed by such agency or officer while ~~providing~~
14 ~~assistance pursuant to this section and while such agency or officer is~~
15 ~~outside the jurisdiction of such agency or officer~~ **acting pursuant to this**
16 **section**, such claim shall be subject to disposition as if the tribe was the
17 state pursuant to the Kansas tort claims act, provided that such act shall
18 not govern the tribe's purchase of insurance. The tribe shall waive its
19 sovereign immunity solely to the extent necessary to permit recovery un-
20 der the liability insurance, but not to exceed the policy limits.

21 (c) Nothing in this subsection (3) shall be construed to prohibit any
22 agreement between any state, county or city law enforcement agency and
23 any Native American Indian Tribe.

24 (d) Nothing in this subsection (3) shall be construed to affect the pro-
25 vision of law enforcement services outside the exterior boundaries of res-
26 erations so as to affect in any way the criteria by which the United States
27 department of the interior makes a determination regarding placement of
28 land into trust.

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

31 ~~(3)~~ (4) University police officers employed by the chief executive of-
32 ficer of any state educational institution or municipal university may ex-
33 ercise their powers as university police officers anywhere:

34 (a) On property owned or operated by the state educational institu-
35 tion or municipal university, by a board of trustees of the state educational
36 institution, an endowment association, an athletic association, a fraternity,
37 sorority or other student group associated with the state educational in-
38 stitution or municipal university;

39 (b) on the streets, property and highways immediately adjacent to the
40 campus of the state educational institution or municipal university;

41 (c) within the city where such property as described in this subsection
42 is located, as necessary to protect the health, safety and welfare of stu-
43 dents and faculty of the state educational institution or municipal univer-

1 city, with appropriate agreement by the local law enforcement agencies.
2 Such agreements shall include provisions defining the geographical scope
3 of the jurisdiction conferred, circumstances requiring the extended juris-
4 diction, scope of law enforcement powers and duration of the agreement.
5 Any agreement entered into pursuant to this provision shall be approved
6 by the governing body of the city or county, or both, having jurisdiction
7 where such property is located, and the chief executive officer of the state
8 educational institution or municipal university involved before such
9 agreement may take effect; and

10 (d) additionally, when there is reason to believe that a violation of a
11 state law, a county resolution, or a city ordinance has occurred on property
12 described in ~~subsection (3)(a) or (b)~~ *paragraph (a) or (b) of subsection*
13 *(4)*, such officers with appropriate notification of, and coordination with,
14 local law enforcement agencies or departments, may investigate and ar-
15 rest persons for such a violation anywhere within the city where such
16 property, streets and highways are located. Such officers also may exercise
17 such powers in any other place when in fresh pursuit of a person. Uni-
18 versity police officers shall also have authority to transport persons in
19 custody to an appropriate facility, wherever it may be located. University
20 police officers at the university of Kansas medical center may provide
21 emergency transportation of medical supplies and transplant organs.

22 ~~(4)~~ (5) In addition to the areas where law enforcement officers may
23 exercise their powers pursuant to subsection (2), law enforcement officers
24 of any jurisdiction within Johnson or Sedgwick county may exercise their
25 powers as law enforcement officers in any area within the respective
26 county when executing a valid arrest warrant or search warrant, to the
27 extent necessary to execute such warrants.

28 ~~(5)~~ (6) In addition to the areas where university police officers may
29 exercise their powers pursuant to subsection ~~(3)~~ (4), university police
30 officers may exercise the powers of law enforcement officers in any area
31 outside their normal jurisdiction when a request for assistance has been
32 made by law enforcement officers from the area for which assistance is
33 requested.

34 ~~(6)~~ (7) In addition to the areas where law enforcement officers may
35 exercise their powers pursuant to subsection (2), law enforcement officers
36 of any jurisdiction within Johnson county may exercise their powers as
37 law enforcement officers in any adjoining city within Johnson county
38 when any crime, including a traffic infraction, has been or is being com-
39 mitted by a person in view of the law enforcement officer. A law enforce-
40 ment officer shall be considered to be exercising such officer's powers
41 pursuant to subsection (2), when such officer is responding to the scene
42 of a crime, even if such officer exits the city limits of the city employing
43 the officer and further reenters the city limits of the city employing the

1 officer to respond to such scene.

2 ~~(7)~~ (8) As used in this section:

3 (a) “Law enforcement officer” ~~has the meaning ascribed thereto~~
4 *means: (1) Any law enforcement officer as defined in K.S.A. 22-2202, and*
5 *amendments thereto; or (2) any tribal law enforcement officer who is*
6 *employed by a Native American Indian Tribe and has completed suc-*
7 *cessfully the initial and any subsequent law enforcement training required*
8 *under the Kansas law enforcement training act.*

9 (b) “University police officers” means university police officers em-
10 ployed by the chief executive officer of: (1) Any state educational insti-
11 tution under the control and supervision of the state board of regents; or
12 (2) a municipal university.

13 (c) “Fresh pursuit” means pursuit, without unnecessary delay, of a
14 person who has committed a crime, or who is reasonably suspected of
15 having committed a crime.

16 (d) “Native American Indian Tribe” means the Prairie Band Pota-
17 watomoni Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri
18 and the Iowa Tribe of Kansas and Nebraska.

19 (e) “Reservation” means ~~that portion of a Native American Indian~~
20 Tribe’s reservation described in the gaming compact entered into between
21 the tribe and the state of Kansas.:

22 (i) **With respect to the Iowa Tribe of Kansas and Nebraska, the**
23 **reservation established by treaties with the United States con-**
24 **cluded May 17, 1854, and March 6, 1861;**

25 (ii) **with respect to the Kickapoo Nation, the reservation estab-**
26 **lished by treaty with the United States concluded June 28, 1862;**

27 (iii) **with respect to the Prairie Band Potawatomi Nation in**
28 **Kansas, the reservation established by treaties with the United**
29 **States concluded June 5, 1846, November 15, 1861, and February**
30 **27, 1867; and**

31 iv) **with respect to the Sac and Fox Nation of Missouri in Kansas**
32 **and Nebraska: (A) the reservation established by treaties with the**
33 **United States concluded May 18, 1854, and March 6, 1861, and by**
34 **acts of Congress of June 10, 1872 (17 Stat. 391), and August 15,**
35 **1876 (19 Stat. 208), and (B) the premises of the gaming facility**
36 **established pursuant to the gaming compact entered into between**
37 **such nation and the state of Kansas, and the surrounding parcel of**
38 **land held in trust which lies adjacent to and east of U.S. Highway**
39 **75 and adjacent to and north of Kansas Highway 20, as identified**
40 **in such compact.**

41 (9) **The provisions of subsection (3) and subsections (8)(a)(2),**
42 **(8)(d) and (8)(e) shall expire on July 1, 2007.**

43 Sec. 2. K.S.A. 2002 Supp. 22-2401a is hereby repealed.

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