

As Amended by House Committee

Session of 2017

HOUSE BILL No. 2262

By Committee on Corrections and Juvenile Justice

2-2

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, **the secretary of**
10 **corrections or the secretary's designee** may request assistance from a
11 law enforcement agency **or a department of corrections** of another
12 jurisdiction, including a jurisdiction located outside the state of Kansas,
13 but within the United States.

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

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

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

1 828, and amendments thereto.

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

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

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

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