

HOUSE BILL No. 2736

By Committee on Judiciary

2-9

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to controlled substances; immunity from prosecution for seeking
3 medical assistance.
4

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

6 Section 1. (a) A person and, if applicable, one or two other persons
7 acting in concert with such person are immune from criminal prosecution
8 for a violation of K.S.A. 2017 Supp. 21-5706 or 21-5709(b), and
9 amendments thereto, and any city ordinance or county resolution
10 prohibiting the acts prohibited by K.S.A. 2017 Supp. 21-5706 or 21-
11 5709(b), and amendments thereto, if such person:

12 (1) (A) Initiated contact with law enforcement or emergency medical
13 services and requested medical assistance on such person's behalf because
14 such person reasonably believed such person was in need of medical
15 assistance; and

16 (B) cooperated with emergency medical services personnel and law
17 enforcement officers in providing such medical assistance;

18 (2) (A) initiated contact with law enforcement or emergency medical
19 services, or was one of one or two other persons who acted in concert with
20 such person, and requested medical assistance for another person who
21 reasonably appeared to be in need of medical assistance;

22 (B) provided such person's full name, the name of one or two other
23 persons acting in concert with such person, if applicable, and any other
24 relevant information requested by law enforcement or emergency medical
25 services;

26 (C) remained at the scene with the person who reasonably appeared
27 to be in need of medical assistance until emergency medical services
28 personnel and law enforcement officers arrived; and

29 (D) cooperated with emergency medical services personnel and law
30 enforcement officers in providing such medical assistance; or

31 (3) (A) was the person who reasonably appeared to be in need of
32 medical assistance as described in subsection (a)(2)(A); and

33 (B) cooperated with emergency medical services personnel and law
34 enforcement officers in providing such medical assistance.

35 (b) A person shall not be allowed to initiate or maintain an action
36 against a law enforcement officer, or such officer's employer, based on the

1 compliance or failure to comply with this section.

2 (c) The provisions of this section shall not apply to anyone seeking
3 medical assistance during the course of the execution of an arrest warrant
4 or search warrant or a lawful search.

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