

Substitute for HOUSE BILL No. 2007

By Committee on Federal and State Affairs

3-9

1 AN ACT concerning law enforcement; creating a law enforcement mutual
2 aid region for critical incidents.

3
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) As used in this section:

6 (1) "Critical incident" means an incident where there is an imminent
7 danger of serious physical injury or loss of life.

8 (2) "Law enforcement mutual aid region" means the Kansas border
9 counties of Johnson, Leavenworth, Miami and Wyandotte and the
10 Missouri border counties of Platte, Clay, Ray, Jackson and Cass.

11 (b) All law enforcement officers with jurisdiction in the law
12 enforcement mutual aid region shall be permitted in critical incidents to
13 respond to lawful requests for aid in any other jurisdiction in the law
14 enforcement mutual aid region.

15 (c) All law enforcement officers with jurisdiction in any county
16 which borders another state, other than those counties specified in the law
17 enforcement mutual aid region, may request assistance from a law
18 enforcement agency of a jurisdiction located in a county that borders the
19 state of Kansas in an adjacent state.

20 (d) The on-scene law enforcement incident commander, as defined by
21 the national incident management system, shall have the authority to make
22 a request for assistance in a critical incident and shall be responsible for
23 on-scene management until command authority is transferred to another
24 person. A law enforcement agency may establish policies applicable to
25 officers of that agency regarding requesting assistance pursuant to this
26 section.

27 (e) If a law enforcement officer makes an arrest or apprehension
28 outside such officer's home state, the offender shall be delivered to the first
29 available law enforcement officer who is commissioned in the jurisdiction
30 in which the arrest was made. The officer making the initial arrest or
31 apprehension shall assist in the preparation of any affidavits filed with the
32 complaint or based on other evidence that there is probable cause to
33 believe that both a crime has been committed and the defendant has
34 committed such crime.

35 (f) For the purposes of liability, all members of any political
36 subdivision or public safety agency responding under operational control

1 of the requesting political subdivision or public safety agency are deemed
2 employees of such responding political subdivision or public safety agency
3 and are subject to the liability and workers' compensation provisions
4 provided to them as employees of their respective political subdivision or
5 public safety agency. Qualified immunity, sovereign immunity, official
6 immunity and the public duty rule shall apply to the provisions of this
7 section as interpreted by the federal and state courts of the responding
8 agency. The Kansas tort claims act, K.S.A. 75-6101 et seq., and
9 amendments thereto, and the Kansas workers compensation act, K.S.A.
10 44-501 et seq., and amendments thereto, shall be interpreted consistent
11 with the provisions of this section.

12 (g) Nothing in this section shall be construed to limit the actions of
13 law enforcement officers or agencies conducted pursuant to K.S.A. 19-
14 828, and amendments thereto.

15 (h) The provisions of article 24 of chapter 22 of the Kansas Statutes
16 Annotated, and amendments thereto, and K.S.A. 21-5220 et seq., and
17 amendments thereto, are applicable to any foreign law enforcement
18 officers acting pursuant to a request made under this section.

19 Sec. 2. This act shall take effect and be in force from and after its
20 publication in the Kansas register.