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Testimony on HB 2262  
To  
The House Corrections and Juvenile Justice Committee

By Joe Norwood  
Secretary  
Kansas Department of Corrections  
February 14, 2017

The Department of Corrections supports HB 2262. K.S.A. 48-3602 was amended last session to provide that law enforcement agencies could request the assistance of other law enforcement agencies even if that agency was located outside of state. K.S.A. 48-3602 in defining a "law enforcement officer" used the definition provide by the Law Enforcement Training Act. However, officers of the Department of Corrections receive their law enforcement training through the department and are certified by the Secretary of Corrections and therefore do not fall within the definition used by the LETA.

HB 2262 would permit the Secretary of Corrections to request assistance from other law enforcement agencies in the same manner as sheriffs, police chiefs and other law enforcement agencies. At the suggestion of the Sheriff's Association, the department as prepared an amendment that specifies who in the department's chain of command could make that request. A balloon amendment is attached.

The department urges favorable consideration of HB 2262.

*Session of 2017*

**HOUSE BILL No. 2262**

By Committee on Corrections and Juvenile Justice

2-2

AN ACT concerning law enforcement; relating to requests for law enforcement assistance from jurisdictions located outside the state of Kansas; amending K.S.A. 2016 Supp. 48-3602 and repealing the existing section.

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

Section 1. K.S.A. 2016 Supp. 48-3602 is hereby amended to read as follows: 48-3602. (a) The chief law enforcement executive for any law enforcement agency, <sup>✓</sup>or such executive's designee, may request assistance from a law enforcement agency of another jurisdiction, including a jurisdiction located outside the state of Kansas, but within the United States.

INSERT: "or secretary of corrections,"

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

(c) For the purposes of liability, all members of any political subdivision or public safety agency responding under operational control of the requesting political subdivision or public safety agency are deemed employees of such responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or public safety agency. Qualified immunity, sovereign immunity, official immunity and the public duty rule shall apply to the provisions of this section as interpreted by the federal and state courts of the responding agency. The Kansas tort claims act, K.S.A. 75-6101 et seq., and amendments thereto, and the Kansas workers compensation act, K.S.A. 44-501 et seq., and amendments thereto, shall be interpreted consistent with the provisions of this section. (d) Nothing in this section shall be construed to limit the actions of law enforcement officers

or agencies conducted pursuant to K.S.A. 19-828, and amendments thereto.

(e) The provisions of article 24 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, and K.S.A. 21-5220 et seq., and amendments thereto, are applicable to any law enforcement officers from jurisdictions located outside the state of Kansas, but within the United States who are acting pursuant to a request made under this section. (f) For purposes of this section, the term "law enforcement officer" shall have the same meaning as that term is defined by K.S.A. 74-5602, and amendments thereto, or *and shall also include an employee of the Kansas department of corrections*, a law enforcement officer who has obtained a similar designation to one described in K.S.A. 74-5602, and amendments thereto, or *a correctional officer* in a jurisdiction outside the state of Kansas, but within the United States.

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

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