

HOUSE BILL No. 2141

By Committee on Federal and State Affairs

1-30

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

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

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

(a) Anywhere within their county; and

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

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

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

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

(3) *Law enforcement officers employed by a Native American Indian Tribe may exercise powers of law enforcement officers:*

(a) *Anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer;*

(b) *in any place where a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person;*

(c) *on the streets and highways that are immediately adjacent to the boundaries of the reservation of the tribe employing such tribal law enforcement officer; and*

(d) *when transporting persons in custody to an appropriate facility, wherever it may be located.*

~~(3)~~ (4) University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise their powers as university police officers anywhere:

1 (a) On property owned or operated by the state educational institu-
2 tion or municipal university, by a board of trustees of the state educational
3 institution, an endowment association, an athletic association, a fraternity,
4 sorority or other student group associated with the state educational in-
5 stitution or municipal university;

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

8 (c) within the city where such property as described in this subsection
9 is located, as necessary to protect the health, safety and welfare of stu-
10 dents and faculty of the state educational institution or municipal univer-
11 sity, with appropriate agreement by the local law enforcement agencies.
12 Such agreements shall include provisions defining the geographical scope
13 of the jurisdiction conferred, circumstances requiring the extended juris-
14 diction, scope of law enforcement powers and duration of the agreement.
15 Any agreement entered into pursuant to this provision shall be approved
16 by the governing body of the city or county, or both, having jurisdiction
17 where such property is located, and the chief executive officer of the state
18 educational institution or municipal university involved before such
19 agreement may take effect; and

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

32 ~~(4)~~ (5) In addition to the areas where law enforcement officers may
33 exercise their powers pursuant to subsection (2), law enforcement officers
34 of any jurisdiction within Johnson or Sedgwick county may exercise their
35 powers as law enforcement officers in any area within the respective
36 county when executing a valid arrest warrant or search warrant, to the
37 extent necessary to execute such warrants.

38 ~~(5)~~ (6) In addition to the areas where university police officers may
39 exercise their powers pursuant to subsection ~~(3)~~ (4), university police
40 officers may exercise the powers of law enforcement officers in any area
41 outside their normal jurisdiction when a request for assistance has been
42 made by law enforcement officers from the area for which assistance is
43 requested.

1 ~~(6)~~ (7) In addition to the areas where law enforcement officers may
2 exercise their powers pursuant to subsection (2), law enforcement officers
3 of any jurisdiction within Johnson county may exercise their powers as
4 law enforcement officers in any adjoining city within Johnson county
5 when any crime, including a traffic infraction, has been or is being com-
6 mitted by a person in view of the law enforcement officer. A law enforce-
7 ment officer shall be considered to be exercising such officer's powers
8 pursuant to subsection (2), when such officer is responding to the scene
9 of a crime, even if such officer exits the city limits of the city employing
10 the officer and further reenters the city limits of the city employing the
11 officer to respond to such scene.

12 ~~(7)~~ (8) As used in this section:

13 (a) "Law enforcement officer" ~~has the meaning ascribed thereto~~
14 *means: (1) A law enforcement officer as defined in K.S.A. 22-2202 and*
15 *amendments thereto; or (2) any tribal law enforcement officer employed*
16 *by a Native American Indian Tribe who has completed successfully the*
17 *initial law enforcement training and any continuing education required*
18 *under K.S.A. 74-5601 et seq. and amendments thereto.*

19 (b) "University police officers" means university police officers em-
20 ployed by the chief executive officer of: (1) Any state educational insti-
21 tution under the control and supervision of the state board of regents; or
22 (2) a municipal university.

23 (c) "Fresh pursuit" means pursuit, without unnecessary delay, of a
24 person who has committed a crime, or who is reasonably suspected of
25 having committed a crime.

26 (d) "*Native American Indian Tribe*" means *the Prairie Band Pota-*
27 *watomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri*
28 *and the Iowa Tribe of Kansas and Nebraska.*

29 (e) "*Reservation*" means *that portion of a Native American Indian*
30 *Tribe's reservation as described in the gaming compact entered into be-*
31 *tween the tribe and the state of Kansas.*

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

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

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