

SENATE BILL No. 320

By Joint Committee on State-Tribal Relations

12-30

9 AN ACT concerning jurisdiction of certain law enforcement officers;
10 amending K.S.A. 2005 Supp. 22-2401a and repealing the existing
11 section.

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 22-2401a is hereby amended to read
15 as follows: 22-2401a. (1) Law enforcement officers employed by consol-
16 idated county law enforcement agencies or departments and sheriffs and
17 their deputies may exercise their powers as law enforcement officers:

18 (a) Anywhere within their county; and

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

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

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

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

30 (3) (a) Law enforcement officers employed by a Native American
31 Indian Tribe may exercise powers of law enforcement officers anywhere
32 within the exterior limits of the reservation of the tribe employing such
33 tribal law enforcement officer, subject to the following:

34 (i) The provisions of subsection (3)(a) shall be applicable only *if as*
35 *long as* such Native American Indian Tribe ~~has entered into~~ *maintains in*
36 *force* a valid and binding agreement with an insurance carrier to provide
37 liability insurance coverage for damages assessed in state or federal court
38 and arising from the acts, errors or omissions of such tribal law enforce-
39 ment agency or officer while acting pursuant to this section. Such insur-
40 ance policy shall: (A) Be in an amount not less than \$500,000 for any one
41 person and \$2,000,000 for any one occurrence for personal injury and
42 \$1,000,000 for any one occurrence for property damage and shall carry
43 an endorsement to provide coverage for mutual aid assistance. ~~Such in-~~

1 ~~insurance policy shall be subject to verification by the attorney general.~~
2 ~~Such insurance policy shall;~~ and (B) include an endorsement providing
3 that the insurer may not invoke tribal sovereign immunity up to the limits
4 of the policy set forth herein. *Any insurance carrier providing to a tribe*
5 *the liability insurance coverage described in this subsection shall certify*
6 *to the attorney general that the tribe has in effect coverage which complies*
7 *with the requirements of this subsection. Such carrier shall notify the*
8 *attorney general immediately by first class mail if for any reason such*
9 *coverage terminates or no longer complies with the requirements of this*
10 *subsection.*

11 (ii) The provisions of subsection (3)(a) shall be applicable only if such
12 Native American Indian Tribe has filed with the county clerk a map
13 clearly showing the boundaries of the Tribe's reservation as defined in
14 this section.

15 (b) If a claim is brought against any tribal law enforcement agency or
16 officer for acts committed by such agency or officer while acting pursuant
17 to this section, such claim shall be subject to disposition as if the tribe
18 was the state pursuant to the Kansas tort claims act, provided that such
19 act shall not govern the tribe's purchase of insurance. The tribe shall waive
20 its sovereign immunity solely to the extent necessary to permit recovery
21 under the liability insurance, but not to exceed the policy limits.

22 (c) Nothing in this subsection (3) shall be construed to prohibit any
23 agreement between any state, county or city law enforcement agency and
24 any Native American Indian Tribe.

25 (d) Nothing in this subsection (3) shall be construed to affect the
26 provision of law enforcement services outside the exterior boundaries of
27 reservations so as to affect in any way the criteria by which the United
28 States department of the interior makes a determination regarding place-
29 ment of land into trust.

30 (e) Neither the state nor any political subdivision of the state shall be
31 liable for any act or failure to act by any tribal law enforcement officer.

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

35 (a) On property owned or operated by the state educational institu-
36 tion or municipal university, by a board of trustees of the state educational
37 institution, an endowment association, an athletic association, a fraternity,
38 sorority or other student group associated with the state educational in-
39 stitution or municipal university;

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

42 (c) within the city where such property as described in this subsection
43 is located, as necessary to protect the health, safety and welfare of stu-

1 dents and faculty of the state educational institution or municipal univer-
2 sity, with appropriate agreement by the local law enforcement agencies.
3 Such agreements shall include provisions defining the geographical scope
4 of the jurisdiction conferred, circumstances requiring the extended juris-
5 diction, scope of law enforcement powers and duration of the agreement.
6 Any agreement entered into pursuant to this provision shall be approved
7 by the governing body of the city or county, or both, having jurisdiction
8 where such property is located, and the chief executive officer of the state
9 educational institution or municipal university involved before such
10 agreement may take effect; and

11 (d) additionally, when there is reason to believe that a violation of a
12 state law, a county resolution, or a city ordinance has occurred on property
13 described in subsection (4)(a) or (b), such officers with appropriate no-
14 tification of, and coordination with, local law enforcement agencies or
15 departments, may investigate and arrest persons for such a violation an-
16 ywhere within the city where such property, streets and highways are
17 located. Such officers also may exercise such powers in any other place
18 when in fresh pursuit of a person. University police officers shall also have
19 authority to transport persons in custody to an appropriate facility, wher-
20 ever it may be located. University police officers at the university of Kan-
21 sas medical center may provide emergency transportation of medical sup-
22 plies and transplant organs.

23 (5) In addition to the areas where law enforcement officers may ex-
24 ercise their powers pursuant to subsection (2), law enforcement officers
25 of any jurisdiction within Johnson or Sedgwick county may exercise their
26 powers as law enforcement officers in any area within the respective
27 county when executing a valid arrest warrant or search warrant, to the
28 extent necessary to execute such warrants.

29 (6) In addition to the areas where university police officers may ex-
30 ercise their powers pursuant to subsection (4), university police officers
31 may exercise the powers of law enforcement officers in any area outside
32 their normal jurisdiction when a request for assistance has been made by
33 law enforcement officers from the area for which assistance is requested.

34 (7) In addition to the areas where law enforcement officers may ex-
35 ercise their powers pursuant to subsection (2), law enforcement officers
36 of any jurisdiction within Johnson county may exercise their powers as
37 law enforcement officers in any adjoining city within Johnson county
38 when any crime, including a traffic infraction, has been or is being com-
39 mitted by a person in view of the law enforcement officer. A law enforce-
40 ment officer shall be considered to be exercising such officer's powers
41 pursuant to subsection (2), when such officer is responding to the scene
42 of a crime, even if such officer exits the city limits of the city employing
43 the officer and further reenters the city limits of the city employing the

- 1 officer to respond to such scene.
- 2 (8) Campus police officers employed by a community college or
3 school district may exercise the power and authority of law enforcement
4 officers anywhere:
- 5 (a) On property owned, occupied or operated by the school district
6 or community college or at the site of a function sponsored by the school
7 district or community college;
- 8 (b) on the streets, property and highways immediately adjacent to
9 and coterminous with property described in subsection (8)(a);
- 10 (c) within the city or county where property described in subsection
11 (8)(a) is located, as necessary to protect the health, safety and welfare of
12 students and faculty of the school district or community college, with
13 appropriate agreement by local law enforcement agencies. Such agree-
14 ments shall include provisions, defining the geographical scope of the
15 jurisdiction conferred, circumstances requiring the extended jurisdiction,
16 scope of law enforcement powers and duration of the agreement. Before
17 any agreement entered into pursuant to this section shall take effect, it
18 shall be approved by the governing body of the city or county, or both,
19 having jurisdiction where such property is located, and the board of ed-
20 ucation or board of trustees involved;
- 21 (d) with appropriate notification of and coordination with local law
22 enforcement agencies, within the city or county where property described
23 in subsection (8)(a) or (8)(b) is located, when there is reason to believe
24 that a violation of a state law, county resolution or city ordinance has
25 occurred on such property, as necessary to investigate and arrest persons
26 for such a violation;
- 27 (e) when in fresh pursuit of a person; and
- 28 (f) when transporting persons in custody to an appropriate facility,
29 wherever it may be located.
- 30 (9) As used in this section:
- 31 (a) “Law enforcement officer” means: (1) Any law enforcement of-
32 ficer as defined in K.S.A. 22-2202, and amendments thereto; or (2) any
33 tribal law enforcement officer who is employed by a Native American
34 Indian Tribe and has completed successfully the initial and any subse-
35 quent law enforcement training required under the Kansas law enforce-
36 ment training act.
- 37 (b) “University police officer” means a police officer employed by the
38 chief executive officer of: (1) Any state educational institution under the
39 control and supervision of the state board of regents; or (2) a municipal
40 university.
- 41 (c) “Campus police officer” means a school security officer desig-
42 nated as a campus police officer pursuant to K.S.A. 72-8222, and amend-
43 ments thereto.

- 1 (d) “Fresh pursuit” means pursuit, without unnecessary delay, of a
2 person who has committed a crime, or who is reasonably suspected of
3 having committed a crime.
- 4 (e) “Native American Indian Tribe” means the Prairie Band Pota-
5 watomoni Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri
6 and the Iowa Tribe of Kansas and Nebraska.
- 7 (f) “Reservation” means:
- 8 (i) With respect to the Iowa Tribe of Kansas and Nebraska, the res-
9 ervation established by treaties with the United States concluded May 17,
10 1854, and March 6, 1861;
- 11 (ii) with respect to the Kickapoo Nation, the reservation established
12 by treaty with the United States concluded June 28, 1862;
- 13 (iii) with respect to the Prairie Band Potawatomi Nation in Kansas,
14 the reservation established by treaties with the United States concluded
15 June 5, 1846, November 15, 1861, and February 27, 1867; and
- 16 (iv) with respect to the Sac and Fox Nation of Missouri in Kansas and
17 Nebraska: (A) the reservation established by treaties with the United
18 States concluded May 18, 1854, and March 6, 1861, and by acts of Con-
19 gress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208),
20 and (B) the premises of the gaming facility established pursuant to the
21 gaming compact entered into between such nation and the state of Kan-
22 sas, and the surrounding parcel of land held in trust which lies adjacent
23 to and east of U.S. Highway 75 and adjacent to and north of Kansas
24 Highway 20, as identified in such compact.
- 25 (10) The provisions of subsection (3) and subsections (9)(a)(2), (9)(d)
26 and (9)(e) shall expire on July 1, 2009.
- 27 Sec. 2. K.S.A. 2005 Supp. 22-2401a is hereby repealed.
- 28 Sec. 3. This act shall take effect and be in force from and after its
29 publication in the Kansas register.