

HOUSE BILL No. 2696

By Committee on Judiciary

2-12

1 AN ACT concerning law enforcement; relating to university police
2 officers; jurisdiction; amending K.S.A. 2015 Supp. 22-2401a and 76-
3 726 and repealing the existing sections.

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

6 Section 1. K.S.A. 2015 Supp. 22-2401a is hereby amended to read as
7 follows: 22-2401a. (1) Law enforcement officers employed by
8 consolidated county law enforcement agencies or departments and sheriffs
9 and their deputies may exercise their powers as law enforcement officers:

10 (a) Anywhere within their county; and

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

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

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

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

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

26 (i) The provisions of subsection (3)(a) shall be applicable only as
27 long as such Native American Indian Tribe maintains in force a valid and
28 binding agreement with an insurance carrier to provide liability insurance
29 coverage for damages arising from the acts, errors or omissions of such
30 tribal law enforcement agency or officer while acting pursuant to this
31 section and waives its tribal immunity, as provided in ~~paragraph (b) of~~
32 subsection (3)(b), for any liability for damages arising from the acts, errors
33 or omissions of such tribal law enforcement agency or officer while acting
34 pursuant to this section. Such insurance policy shall: (A) (1) Be in an
35 amount not less than \$500,000 for any one person and \$2,000,000 for any
36 one occurrence for personal injury and \$1,000,000 for any one occurrence

1 for property damage; (2) be in an amount not less than \$2,000,000
2 aggregate loss limit; and (3) carry an endorsement to provide coverage for
3 mutual aid assistance; and (B) include an endorsement providing that the
4 insurer may not invoke tribal sovereign immunity up to the limits of the
5 policy set forth herein. Any insurance carrier providing to a tribe the
6 liability insurance coverage described in this subsection shall certify to the
7 attorney general that the tribe has in effect coverage which complies with
8 the requirements of this subsection. Such carrier shall notify the attorney
9 general immediately by first class mail if for any reason such coverage
10 terminates or no longer complies with the requirements of this subsection.

11 (ii) The provisions of subsection (3)(a) shall be applicable only if
12 such 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 this
14 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 was
18 the state pursuant to the Kansas tort claims act, provided that such act shall
19 not govern the tribe's purchase of insurance. The tribe shall waive its
20 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
29 placement 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, *occupied* or operated by the state educational
36 institution or municipal university, by a board of trustees of the state
37 educational institution, an endowment association, *an affiliated*
38 *corporation*, an athletic association, a fraternity, sorority or other student
39 group associated with the state educational institution or municipal
40 university *or at the site of a function or academic program sponsored by*
41 *the state educational institution or municipal university*;

42 (b) ~~on the streets, property and highways immediately adjacent to the~~
43 ~~campus of the state educational institution or municipal university and~~

1 *coterminous with the property described in subsection (4)(a);*

2 (c) within the city *or county* where such property as described in this
3 subsection is located, as necessary to protect the health, safety and welfare
4 of students and faculty of the state educational institution or municipal
5 university, with appropriate agreement by the local law enforcement
6 agencies. Such agreements shall include provisions defining the
7 geographical scope of the jurisdiction conferred, circumstances requiring
8 the extended jurisdiction, scope of law enforcement powers and duration
9 of the agreement. Any agreement entered into pursuant to this provision
10 shall be approved by the governing body of the city or county, or both,
11 having jurisdiction where such property is located, and the chief executive
12 officer of the state educational institution or municipal university involved
13 before such agreement may take effect; ~~and~~

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

26 (e) *additionally, pursuant to a written agreement between the*
27 *university of Kansas hospital authority and the university of Kansas*
28 *medical center, university police officers employed by the university of*
29 *Kansas medical center may exercise their powers as law enforcement*
30 *officers on property owned, occupied or operated by the university of*
31 *Kansas healthcare system or university of Kansas hospital authority as*
32 *authorized by this section and K.S.A. 76-726 and 76-3314, and*
33 *amendments thereto.*

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

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

1 law enforcement officers from the area for which assistance is requested.

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

13 (8) Campus police officers employed by a community college or
14 school district may exercise the power and authority of law enforcement
15 officers anywhere:

16 (a) On property owned, occupied or operated by the school district or
17 community college or at the site of a function sponsored by the school
18 district or community college;

19 (b) on the streets, property and highways immediately adjacent to and
20 coterminous with property described in subsection (8)(a);

21 (c) within the city or county where property described in subsection
22 (8)(a) is located, as necessary to protect the health, safety and welfare of
23 students and faculty of the school district or community college, with
24 appropriate agreement by local law enforcement agencies. Such
25 agreements shall include provisions, defining the geographical scope of
26 the jurisdiction conferred, circumstances requiring the extended
27 jurisdiction, scope of law enforcement powers and duration of the
28 agreement. Before any agreement entered into pursuant to this section
29 shall take effect, it shall be approved by the governing body of the city or
30 county, or both, having jurisdiction where such property is located, and the
31 board of education or board of trustees involved;

32 (d) with appropriate notification of and coordination with local law
33 enforcement agencies, within the city or county where property described
34 in subsection (8)(a) or (8)(b) is located, when there is reason to believe
35 that a violation of a state law, county resolution or city ordinance has
36 occurred on such property, as necessary to investigate and arrest persons
37 for such a violation;

38 (e) when in fresh pursuit of a person; and

39 (f) when transporting persons in custody to an appropriate facility,
40 wherever it may be located.

41 (9) TAG law enforcement officers employed by the adjutant general
42 may exercise their powers as police officers anywhere:

43 (a) On property owned or under the control of the Kansas national

1 guard or any component under the command of the adjutant general;

2 (b) on the streets, property and highways immediately adjacent to
3 property owned or under the control of the Kansas national guard; within
4 the city or county where such property as described in subsection (9)(a) or
5 (b) is located, as necessary to protect such property; or to protect the
6 health, safety and welfare of members of the national guard, reserve or
7 employees of the United States department of defense, the United States
8 department of homeland security or any branch of the United States
9 military with appropriate agreement by the local law enforcement
10 agencies. Such agreements shall include provisions defining the
11 geographical scope of the jurisdiction conferred, circumstances requiring
12 the extended jurisdiction, scope of law enforcement powers and duration
13 of the agreement. Any agreement entered into pursuant to this provision
14 shall be approved by the governing body of the city or county, or both,
15 having jurisdiction where such property is located, and the adjutant general
16 before such agreement may take effect. In addition, when there is reason to
17 believe that a violation of a state law, a county resolution or a city
18 ordinance has occurred on property described in subsection (9)(a) or (b),
19 after providing appropriate notification to, and coordination with, local law
20 enforcement agencies or departments, such officers may investigate and
21 arrest persons for such a violation anywhere within the city or county
22 where such property, streets and highways are located. Such officers also
23 may exercise such powers in any other place when in fresh pursuit of a
24 person. TAG law enforcement officers shall also have authority to
25 transport persons in custody to an appropriate facility, wherever it may be
26 located.

27 (10) Horsethief reservoir benefit district law enforcement officers
28 may exercise the power and authority of law enforcement officers
29 anywhere:

30 (a) On property owned, occupied or operated by the benefit district or
31 at the site of a function sponsored by the benefit district;

32 (b) on the streets, property and highways immediately adjacent to and
33 coterminous with property described in subsection (10)(a);

34 (c) within the city or county where property described in subsection
35 (10)(a) is located, as necessary to protect the health, safety and welfare of
36 benefit district employees, board members, volunteers and visitors, with
37 appropriate agreement by local law enforcement agencies. Such
38 agreements shall include provisions defining the geographical scope of the
39 jurisdiction conferred, circumstances requiring the extended jurisdiction,
40 scope of law enforcement powers and duration of the agreement. Before
41 any agreement entered into pursuant to this section shall take effect, it
42 shall be approved by the governing body of the city or county, or both,
43 having jurisdiction where such property is located, and the governing

1 board of the horsethief reservoir benefit district;

2 (d) with appropriate notification of and coordination with local law
 3 enforcement agencies, within the city or county where property described
 4 in subsection (10)(a) or (10)(b) is located, when there is reason to believe
 5 that a violation of a state law, county resolution or city ordinance has
 6 occurred on such property, as necessary to investigate and arrest persons
 7 for such a violation;

8 (e) when in fresh pursuit of a person; and

9 (f) when transporting persons in custody to an appropriate facility,
 10 wherever it may be located.

11 (11) As used in this section:

12 (a) "Law enforcement officer" means: ~~(1)~~(i) Any law enforcement
 13 officer as defined in K.S.A. 22-2202, and amendments thereto; or ~~(2)~~(ii)
 14 any tribal law enforcement officer who is employed by a Native American
 15 Indian Tribe and has completed successfully the initial and any subsequent
 16 law enforcement training required under the Kansas law enforcement
 17 training act.

18 (b) "University police officer" means a police officer employed by
 19 the chief executive officer of: ~~(1)~~(i) Any state educational institution under
 20 the control and supervision of the state board of regents; or ~~(2)~~(ii) a
 21 municipal university.

22 (c) "Campus police officer" means a school security officer
 23 designated as a campus police officer pursuant to K.S.A. 72-8222, and
 24 amendments thereto.

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

28 (e) "Native American Indian Tribe" means the Prairie Band
 29 Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of
 30 Missouri and the Iowa Tribe of Kansas and Nebraska.

31 (f) "Reservation" means:

32 (i) With respect to the Iowa Tribe of Kansas and Nebraska, the
 33 reservation established by treaties with the United States concluded May
 34 17, 1854, and March 6, 1861;

35 (ii) with respect to the Kickapoo Nation, the reservation established
 36 by treaty with the United States concluded June 28, 1862;

37 (iii) with respect to the Prairie Band Potawatomi Nation in Kansas,
 38 the reservation established by treaties with the United States concluded
 39 June 5, 1846, November 15, 1861, and February 27, 1867; and

40 (iv) with respect to the Sac and Fox Nation of Missouri in Kansas and
 41 Nebraska: (A) The reservation established by treaties with the United
 42 States concluded May 18, 1854, and March 6, 1861, and by acts of
 43 Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat.

1 208); and (B) the premises of the gaming facility established pursuant to
2 the gaming compact entered into between such nation and the state of
3 Kansas, and the surrounding parcel of land held in trust which lies adjacent
4 to and east of U.S. Highway 75 and adjacent to and north of Kansas
5 Highway 20, as identified in such compact.

6 (g) "TAG law enforcement officer" means a police officer employed
7 by the adjutant general pursuant to K.S.A. 48-204, and amendments
8 thereto.

9 (h) "Horsethief reservoir benefit district law enforcement officer"
10 means a police officer employed by the horsethief reservoir benefit district
11 pursuant to K.S.A. 2015 Supp. 82a-2212, and amendments thereto.

12 Sec. 2. K.S.A. 2015 Supp. 76-726 is hereby amended to read as
13 follows: 76-726. (a) The chief executive officer of any state educational
14 institution may employ university police officers to aid and supplement
15 state and local law enforcement agencies. Such university police officers
16 shall have the power and authority of law enforcement officers: (1) On
17 property owned, *occupied* or operated by the state educational institution,
18 by a board of trustees of the state educational institution, an endowment
19 association, *an affiliated corporation*, an athletic association, a fraternity,
20 sorority or other student group associated with the state educational
21 institution *or at the site of a function or academic program sponsored by*
22 *the state education institution*;

23 (2) on the streets, property and highways immediately adjacent to ~~the~~
24 ~~campus of the state educational institution~~ *and coterminous with the*
25 *property described in subsection (a)(1)*;

26 (3) within the city *or county* where such property as described in this
27 subsection is located, as necessary to protect the health, safety and welfare
28 of students and faculty of the state educational institution or municipal
29 university, with appropriate agreement by local law enforcement agencies.
30 Such agreements shall include provisions, defining the geographical scope
31 of the jurisdiction conferred, circumstances requiring the extended
32 jurisdiction, scope of law enforcement powers and duration of the
33 agreement. Any agreement entered into pursuant to this provision shall be
34 approved by the governing body of the city or county, or both, having
35 jurisdiction where such property is located, and the chief executive officer
36 of the state educational institution or municipal university involved before
37 such agreement may take effect; ~~and~~

38 (4) additionally when there is reason to believe that a violation of a
39 state law, a county resolution, or a city ordinance has occurred on property
40 described in ~~provisions paragraphs~~ (1) or (2), such officers, with
41 appropriate notification of, and coordination with, local law enforcement
42 agencies, may investigate and arrest persons for such a violation anywhere
43 within the city where such property, streets and highways are located.

1 University police officers shall also have authority to transport persons in
2 custody to an appropriate facility, wherever it may be located. University
3 police officers at the university of Kansas medical center may provide
4 emergency transportation of medical supplies and transplant organs; *and*

5 *(5) additionally, pursuant to a written agreement between the*
6 *university of Kansas hospital authority and the university of Kansas*
7 *medical center, university police officers employed by the university of*
8 *Kansas medical center may exercise their powers as law enforcement*
9 *officers on property owned, occupied or operated by the university of*
10 *Kansas healthcare system or university of Kansas hospital authority as*
11 *authorized by this section and K.S.A. 22-2401a and 76-3314, and*
12 *amendments thereto.*

13 (b) In addition to enforcement of state law, county resolutions and
14 city ordinances, university police officers shall enforce rules and
15 regulations of the board of regents and rules and policies of the state
16 educational institution, whether or not violation thereof constitutes a
17 criminal offense. Every university police officer shall, while on duty, wear
18 and publicly display a badge of office, except that no such badge shall be
19 required to be worn by any plain clothes investigator or departmental
20 administrator, but any such person shall present proper credentials and
21 identification when required in the performance of such officer's duties. In
22 performance of any of the powers, duties and functions authorized by this
23 act or any other law, university police officers shall have the same rights,
24 protections and immunities afforded to other law enforcement officers.

25 Sec. 3. K.S.A. 2015 Supp. 22-2401a and 76-726 are hereby repealed.

26 Sec. 4. This act shall take effect and be in force from and after its
27 publication in the ~~statute book~~ ***Kansas register***.