



**Kansas Association of
Chiefs of Police**

PO Box 2163
Hutchinson, KS 67504
(620)899-4122



**Kansas Sheriffs
Association**

PO Box 1122
Pittsburg, KS 66762
(620)230-0864



**Kansas Peace Officers
Association**

PO Box 2592
Wichita, KS 67201
(316)722-8433

**Testimony to the House Judiciary Committee
In Support of SB435
March 8, 2022**

Chairman Patton and Committee Members:

Our association requested this bill to address several inconsistencies and gaps in the current general jurisdiction statute, KSA 22-2401a. These inconsistencies and gaps have resulted in some criminal cases being dismissed and some seized evidence being excluded based on the jurisdiction issues the bill addresses. This statute contains the jurisdiction limitations and authorizations of local agencies and not for state agencies. State agencies are guided by jurisdiction provisions in the various statutes creating the authority for the law enforcement function in the agency to exist. It is also important to understand all law enforcement officers listed in this statute are trained and certified to the standards required by the Kansas Law Enforcement Training Act.

The statute covers county law enforcement, city law enforcement, tribal law enforcement, university police, campus police, adjutant general law enforcement, and the Horsethief Reservoir police.

There are three areas where the statute extends jurisdiction outside the geographic boundaries of a local law enforcement agency's governing authority's boundaries. The problem is they are not all extended to each of the various types of agencies listed in the statute. Those extensions are: 1) in any place another law enforcement agency requests their assistance; 2) when in fresh pursuit; and 3) when transporting a person in their custody. However, none of the listed agencies has all three of those provided for in the statute. When a statute gives clear authority for an action in one place, but not in another, the courts generally will rule it was the legislative intent the authority is not granted where it is omitted.

For example, county agencies, city agencies, tribal law enforcement, and university police are not granted jurisdiction when transporting persons in custody outside their normal jurisdiction, but others are. Campus police are not allowed to assist another law enforcement agency upon request. Tribal police and university police do not have the authority of fresh pursuit. We do not believe these were intentional omissions in the statute.

In the bill, you will find those three extended jurisdictions in the new subsection (h) on page 6, lines 24-31. This construction makes each of those apply to all of the listed law enforcement agencies and officers consistently.

You will also see on page 6, lines 32-35, a new extension of jurisdiction covering when an officer investigating a crime occurring in their home jurisdiction. Again, this is to address an issue that has resulted in arrests or evidence being rejected by the courts because the statute does not cover this activity. It is not infrequent for an investigating officer to cross into another jurisdiction to interview a person related to the investigation. Often there is no expectation for an arrest or seizure of evidence in these interviews, but occasionally those things happen based on new information being gathered during the interview. This new provision creates authority for such investigative actions and includes a requirement for the officer to notify the agency with jurisdiction and to coordinate with them on whether they want to be present.

The bill also contains a new provision in subsection (i) on page 6, line 36-page 7, line 9 that will allow for very limited law enforcement authority when an officer is out of their home jurisdiction. This new authority will only apply when the officer is properly identified as an officer and travelling in an on-duty capacity or in a law enforcement vehicle. This authority only comes into effect if the officer observes what they reasonably believe is an illegal act and that a person's safety may be jeopardized without immediate action. In addition, the officer must fulfill the requirements listed and the officer's agency may further restrict this jurisdiction by policy. Our reason to request you to add this provision is based on a combination of concerns for public safety and liability for the officer and the officer's agency. Our law enforcement officers frequently are travelling outside their jurisdictions going to and from training and other official business. It is not uncommon for them to observe activity which we believe you would expect us to interact and not just drive on down the road or sit and watch.

We believe this bill creates consistency on these jurisdictional issues and fills gaps in the jurisdictional authorizations that have come to our attention through court rulings.

We encourage you to pass this bill favorably.

Ed Klumpp
Legislative Liaison
eklumpp@cox.net
(785) 640-1102