

SECOND REGULAR SESSION

SENATE BILL NO. 991

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Read 1st time February 27, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6258S.01I

AN ACT

To amend chapter 44, RSMo, by adding thereto one new section relating to mutual-aid agreements for reciprocal emergency aid.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 44, RSMo, is amended by adding thereto one new section, to be known as section 44.095, to read as follows:

44.095. 1. As used in this section, the following terms mean:

(1) "Critical incident", an incident that could result in serious physical injury or loss of life;

(2) "Kansas border counties", the counties of Johnson, Leavenworth, Miami, and Wyandotte;

(3) "Law enforcement mutual aid region", the nine counties of the Kansas City Metropolitan area as identified by the Mid America Regional Council (MARC). Those counties include Kansas border counties and Missouri border counties as defined in this section;

(4) "Missouri border counties", the counties of Platte, Clay, Ray, Jackson and Cass;

(5) "Noncritical incident", an incident or event that requires specialized equipment, training, or resources that can be provided from an outside agency in that region.

2. All law enforcement officers in the law enforcement mutual aid region shall be permitted, in critical incidents or noncritical incidents, to respond to lawful requests for aid in any other jurisdiction in the law enforcement mutual aid region.

3. The on-scene incident commander as defined by the National Incident Management System shall have the authority to make a request for assistance in a critical incident and shall be responsible for

22 on-scene management until command authority is transferred to
23 another person.

24 4. The chief executive of the requesting political subdivision or
25 public safety agency, or his or her designee, shall have the authority to
26 make a request for assistance in a noncritical incident. The request
27 shall be made to the chief executive of the assisting political
28 subdivision or public safety agency, or his or her designee.

29 5. In the event that an officer makes an arrest or apprehension
30 outside his or her home state, the offender shall be delivered to the
31 first officer who is commissioned in the jurisdiction in which the arrest
32 was made.

33 6. For the purposes of liability, all members of any political
34 subdivision or public safety agency responding under operational
35 control of the requesting political subdivision or public safety agency
36 are deemed employees of such responding political subdivision or
37 public safety agency and are subject to the liability and workers'
38 compensation provisions provided to them as employees of their
39 respective political subdivision or public safety agency. Qualified
40 immunity shall be given to responding members acting in good faith,
41 in an objectively reasonable manner, and consistent with the lawful
42 authority granted to them by the political subdivision's or agency's
43 home state.

44 7. If the director of the Missouri department of public safety
45 determines that the state of Kansas has enacted legislation or the
46 governor of Kansas has issued an executive order or similar action that
47 permits Kansas border counties to enter into a similar mutual-aid
48 agreement as described under this section, then the director shall
49 execute and deliver to the governor, the speaker of the house of
50 representatives, and the president pro tempore of the senate a written
51 certification of such determination. Upon the execution and delivery
52 of such written certification and the parties receiving such
53 certification providing a unanimous written affirmation, the provisions
54 of this section shall be effective unless otherwise provided by law.

55 8. The director of the Missouri department of public safety shall
56 notify the revisor of statutes of any changes that would render the
57 provisions of this section effective.

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