

CCS HCS SCS SB 852 -- PUBLIC SAFETY

This bill changes the laws regarding public safety.

LAW ENFORCEMENT MUTUAL AID (Section 44.095, RSMo)

The bill specifies that all law enforcement officers in the counties of Johnson, Leavenworth, Miami, and Wyandotte in the State of Kansas and the counties of Platte, Clay, Ray, Jackson, and Cass in the State of Missouri must be permitted to respond to a lawful request for aid in any of the counties when there is an incident that could result in serious physical injury or death. The bill specifies the procedure for a request.

In the event that an officer makes an arrest outside his or her home state, the offender must be delivered to the first officer who is commissioned in the jurisdiction in which the arrest was made.

The bill specifies that, for purposes of liability, all members of a political subdivision or public safety agency responding to an incident are deemed to be employees of the responding political subdivision or agency and are subject to the liability and workers' compensation provisions provided to them as employees of their respective political subdivision or agency. Qualified immunity, sovereign immunity, official immunity, and the public duty rule must apply to the provisions of the bill as interpreted by the federal and state courts of the responding agency.

These provisions will not become effective until the State of Kansas has enacted legislation or has issued an executive order permitting the Kansas counties to enter into a similar mutual-aid agreement.

CORPORATE SECURITY ADVISORS (Sections 84.340, 571.030, and 590.750)

Currently, the St. Louis Board of Police Commissioners has the authority to regulate corporate security advisors in the City of St. Louis. The bill specifies that the Department of Public Safety must have the sole authority to regulate and license all corporate security advisors and that the authority and jurisdiction of a corporate security advisor must be limited only by the geographical limits of the state unless the advisor's license is recognized by another state or the federal government. Any corporate security advisor licensed as of February 1, 2014, is not required to apply for a new license until his or her license expires or is otherwise revoked.

The bill specifies that acting as a corporate security advisor without a license is a class A misdemeanor.

DEPARTMENT OF CORRECTIONS EMPLOYEES (Section 105.935)

The bill allows a Department of Corrections employee classified as a Corrections Officer I or Corrections Officer II who has accrued any overtime hours to use those hours as compensatory leave time if the leave time is available and agreed on by the employee and his or her supervisor. Compensatory time must be considered accrued on completion of time worked in excess of the employee's normal assigned shift and it will be the employee's decision whether to take the time off or request payment for the hours. An employee must have the right to retain up to 80 hours of compensatory time at any time during the year.

COMMUNICABLE DISEASES (Sections 191.630, 191.631, and 192.800 - 192.808)

Currently, a person who receives care from an emergency service provider and who has exposed the provider to blood or other potentially infectious materials must consent to a test for a contagious or infectious disease. The bill revises the provisions to include a person who receives care from a Good Samaritan and changes the term "contagious or infectious disease" to "communicable disease."

Currently, a hospital must have written policies and procedures for notifying an emergency care provider about the results from the test. The bill requires the policies and procedures to include notification to a Good Samaritan and a coroner or medical examiner to also have written policies and procedures for the notification of an emergency care provider or Good Samaritan. The hospital, coroner, or medical examiner must include local representation of a designated infection control officer during the process to develop or review the policies. The policies must be substantially the same as those in place for notification of hospital employees.

All emergency care providers must respond to and treat any patient regardless of the status of the patient's HIV or other communicable disease infection. Licensed ambulance services and emergency medical response agencies must establish and maintain local policies and provide training regarding exposure to patient blood and body fluids as well as general protection from communicable diseases. Hospitals, nursing homes, and other medical facilities and practitioners who transfer patients known to have a communicable disease or to be subject to an order of quarantine or an order of isolation must notify the emergency care providers who are providing the transportation services of the potential risk of exposure to a communicable disease, including communicable diseases of a public health threat.

The bill repeals Sections 192.800 - 192.808 regarding communicable disease notification to first responders and Good Samaritans.

LINE OF DUTY COMPENSATION ACT (Section 287.243)

Currently, under the provisions of the Line of Duty Compensation Act specified emergency personnel killed in the line of duty are eligible for certain workers' compensation benefits when the person's life is lost as a result of an injury received in the active performance of his or her duties within the scope of his or her profession while on duty and but for the performance, death would not have occurred.

The bill revises the standard for eligibility. Under the bill, an individual is eligible for compensation when:

- (1) Death is caused by an accident or the willful act of violence of another;
- (2) The individual is in the active performance of his or her duties and there is a relationship between the accident or commission of the act and the performance of duty, even when off duty; the individual is traveling to or from employment; or the individual is taking a break while on duty;
- (3) The injury is the cause of the death; and
- (4) Death occurs within 300 weeks of the date the injury was received.

The bill extends the expiration date of the provisions of the act from June 19, 2015, to June 19, 2025.

SAFE CARE PROVIDER REIMBURSEMENT (Section 334.950)

The Department of Public Safety must establish rules and make payments to SAFE CARE providers who provide forensic examinations of persons under 18 years of age who are alleged victims of physical abuse out of appropriations made for that purpose. The department must establish maximum reimbursement rates that reflect the reasonable cost of providing the examination.

Only providers for forensic evaluations and case reviews may be reimbursed by the department. In order to provide reimbursement, the child must be the subject of a child abuse investigation or reported to the Children's Division within the Department of Social Services as a result of the examination.

The bill specifies that a minor may consent to the examination, the consent is not subject to disaffirmance because of his or her status as a minor, and parental consent is not required.

CRIMES AGAINST A MENTAL HEALTH EMPLOYEE OR PROPERTY (Section 632.520)

An offender ordered to the Department of Mental Health after being determined by a court to be a sexually violent predator who knowingly commits violence against an employee of the department or to another offender housed in a secure facility must be guilty of a class B felony. An offender who knowingly damages any building or other property owned or operated by the department is guilty of a class C felony.

FUNERAL PROCESSIONS (Section 300.320)

The bill repeals the provisions requiring a funeral procession to be identified by the display of a pennant or other identifying insignia on each vehicle.