

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 762, Page 1, in the Title, Line 3, by
2 deleting the words "accessibility of information acquired by"; and
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4 Further amend said bill and page, Section A, Line 2, by inserting immediately after all of said section
5 the following:
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7 "44.095. 1. As used in this section, the following terms mean:

8 (1) "Critical incident", [an incident that could result in serious physical injury or loss of life]
9 any event of a severe nature, which threatens to cause or causes the loss of life or injury to citizens or
10 severe damage to property and requires extraordinary measures to protect lives and achieve recovery.
11 It may be any situation which requires resources beyond the capability of any one particular division.
12 A critical incident may be the result of natural causes, such as a tornado, flood, or severe ice storm.
13 In addition to natural causes, a critical incident may also be the result of a technological or
14 man-made action such as a hostage or standoff situation, a hazardous materials spill, building
15 collapse, or workplace violence;

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

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

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

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

24 3. The on-scene incident commander as defined by the National Incident Management
25 System shall have the authority to make a request for assistance in a critical incident and shall be
26 responsible for on-scene management until command authority is transferred to another person.

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

30 5. For the purposes of liability, all members of any political subdivision or public safety
31 agency responding under operational control of the requesting political subdivision or public safety
32 agency are deemed employees of such responding political subdivision or public safety agency and
33 are subject to the liability and workers' compensation provisions provided to them as employees of
34 their respective political subdivision or public safety agency. Qualified immunity, sovereign
35 immunity, official immunity, and the public duty rule shall apply to the provisions of this section as
36 interpreted by the federal and state courts of the responding agency.

Action Taken _____ Date _____

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

9 7. The director of the Missouri department of public safety shall notify the revisor of statutes
10 of any changes that would render the provisions of this section effective."; and

11
12 Further amend said bill by amending the title, enacting clause, and intersectional references
13 accordingly.