

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2062

99TH GENERAL ASSEMBLY

5621H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 44, RSMo, by adding thereto one new section relating to mutual aid agreements with Kansas and Oklahoma.

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 44.098, to read as follows:

44.098. 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 county", the county of Cherokee;**

(3) **"Law enforcement mutual aid region", the counties of Jasper and Newton, including the Joplin metropolitan area, and the Kansas border county and Oklahoma border county as defined in this section;**

(4) **"Oklahoma border counties", the counties of Ottawa and Delaware;**

(5) **"Missouri border counties", the counties of Jasper and Newton.**

2. All law enforcement officers in the law enforcement mutual aid region shall be permitted in critical 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 on-scene management until command authority is transferred to another person.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

20 **5. For the purposes of liability, all members of any political subdivision or public**
21 **safety agency responding under operational control of the requesting political subdivision or**
22 **public safety agency are deemed employees of such responding political subdivision or**
23 **public safety agency and are subject to the liability and workers' compensation provisions**
24 **provided to them as employees of their respective political subdivision or public safety**
25 **agency. Qualified immunity, sovereign immunity, official immunity, and the public duty**
26 **rule shall apply to the provisions of this section as interpreted by the federal and state**
27 **courts of the responding agency.**

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

37 **7. If the director of the Missouri department of public safety determines that the**
38 **state of Oklahoma has enacted legislation or the governor of Oklahoma has issued an**
39 **executive order or similar action that permits Oklahoma border counties to enter into a**
40 **similar mutual-aid agreement as described under this section, then the director shall**
41 **execute and deliver to the governor, the speaker of the house of representatives, and the**
42 **president pro tempore of the senate a written certification of such determination. Upon**
43 **the execution and delivery of such written certification and the parties receiving such**
44 **certification providing a unanimous written affirmation, the provisions of this section shall**
45 **be effective unless otherwise provided by law.**

46 **8. The director of the Missouri department of public safety shall notify the revisor**
47 **of statutes of any changes that would render the provisions of this section effective.**

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