

SECOND REGULAR SESSION

HOUSE BILL NO. 2041

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILSON (Sponsor), SOLON, SHULL, NETH, KOLKMEYER,
SCHIEBER, MAYFIELD, MCGAUGH, CIERPIOT AND HINSON (Co-sponsors).

4752H.02I

D. ADAM CRUMBLISS, Chief Clerk

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 shall mean:

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

(2) “Kansas border county”, Johnson, Leavenworth, Miami, and Wyandotte;

(3) “Law Enforcement Mutual Aid Region”, limited to 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 county”, any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat,

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 and any county of the third classification without a township form of government and with
18 more than twenty-three thousand but fewer than twenty-six thousand inhabitants and with
19 a city of the third classification with more than five thousand but fewer than six thousand
20 inhabitants as the county seat;

21 (5) “Non-critical incident”, an incident or event that requires specialized equipment,
22 training, or resources that can be provided from an outside agency in that region.

23 2. Counties in the law enforcement mutual aid region shall be permitted to respond
24 to critical incidents or in non-critical incidents to any other county in the law enforcement
25 mutual aid region with lawful reciprocal emergency aid.

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

30 4. The chief executive of the requesting political subdivision or public safety agency,
31 or his or her designee, shall have the authority to make a request for assistance in a non-
32 critical incident. The request shall be made to the chief executive of the assisting political
33 subdivision or public safety agency, or his or her designee.

34 5. Notwithstanding any provision of law to the contrary, in the event that an officer
35 makes an arrest or apprehension outside his or her home state, the offender shall be
36 delivered to the first officer who is commissioned in the requesting jurisdiction.

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

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

52 unanimous written affirmation, the provisions of this section shall be effective unless
53 otherwise provided by law.

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

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