

SECOND REGULAR SESSION

# HOUSE BILL NO. 1859

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RHOADS.

5215H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

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

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*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  
2 known as section 44.091, to read as follows:

**44.091. 1. For purposes of this section, the following terms mean:**

2 **(1) "Law enforcement officer", any public servant having both the power and duty**  
3 **to make arrests for violations of any ordinance or law of this state, and any federal law**  
4 **enforcement officer authorized to carry firearms and to make arrests for violations of the**  
5 **laws of the United States;**

6 **(2) "Requesting entity", any law enforcement agency or entity within this state**  
7 **empowered by law to maintain a law enforcement agency;**

8 **(3) "Sending agency", a law enforcement agency that has been requested to provide**  
9 **assistance by a requesting entity.**

10 **2. Whenever any law enforcement agency enters into a mutual aid arrangement or**  
11 **agreement with another entity as provided in subsection 44.090, any law enforcement**  
12 **officer assisting the requesting entity shall have the same powers of arrest as he or she has**  
13 **in his or her own jurisdiction and the same powers arrest as officers of the requesting**  
14 **entity. Such powers shall be limited to the location where such services are requested to**  
15 **be provided, for the duration of the specific event, and while acting under the direction of**  
16 **the requesting entity's chief law enforcement officer or his or her designee.**

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           **3. Any law enforcement officer assisting a requesting entity under a mutual aid**  
18 **arrangement or agreement under section 44.090 shall be deemed an employee of the**  
19 **sending agency and shall be subject to the workers' compensation, overtime, and expense**  
20 **reimbursement provisions provided to him or her as an employee of the sending agency.**

21           **4. Any law enforcement officer assisting a requesting entity under a mutual aid**  
22 **arrangement or agreement under section 44.090 shall enjoy the same legal immunities as**  
23 **an officer of the requesting entity, including sovereign immunity, official immunity, and**  
24 **the public duty doctrine.**

25           **5. Nothing in this section shall be construed to limit the powers of arrest provided**  
26 **to a law enforcement officer by any other law.**

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