

HOUSE BILL No. 2365

By Committee on Judiciary

2-11

1 AN ACT concerning crimes, punishment and criminal procedure; relating
2 to controlled substances; providing immunity from prosecution for
3 seeking medical assistance.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) A person and, if applicable, up to four other persons
7 acting in concert with such person are immune from criminal prosecution
8 for a violation of K.S.A. 2020 Supp. 21-5706 or 21-5709(b), and
9 amendments thereto, and any city ordinance or county resolution
10 prohibiting the acts prohibited by K.S.A. 2020 Supp. 21-5706 or 21-
11 5709(b), and amendments thereto, if such person:

12 (1) (A) Initiated contact with a law enforcement officer, law
13 enforcement agency or emergency medical services and requested medical
14 assistance on such person's behalf because such person reasonably
15 believed such person was in need of medical assistance; and

16 (B) cooperated with law enforcement officers and emergency medical
17 services personnel in providing such medical assistance;

18 (2) (A) initiated contact with law enforcement or emergency medical
19 services, or was one of not more than four persons who acted in concert
20 with such person, and requested medical assistance for another person who
21 reasonably appeared to be in need of medical assistance;

22 (B) provided such person's full name, the names of not more than
23 four other persons acting in concert with such person, if applicable, and
24 any other relevant information requested by law enforcement or
25 emergency medical services;

26 (C) remained at the scene with the person who reasonably appeared
27 to be in need of medical assistance until emergency medical services
28 personnel and law enforcement officers arrived; and

29 (D) cooperated with emergency medical services personnel and law
30 enforcement officers in providing such medical assistance; or

31 (3) (A) was the person who reasonably appeared to be in need of
32 medical assistance as described in subsection (a)(2)(A); and

33 (B) cooperated with emergency medical services personnel and law
34 enforcement officers in providing such medical assistance.

35 (b) A person shall not be allowed to initiate or maintain an action
36 against a law enforcement officer, or such officer's employer, based on the

1 compliance or failure to comply with this section. Except in cases of
2 reckless or intentional misconduct, a law enforcement officer shall be
3 immune from liability for arresting a person who is later determined to be
4 immune from prosecution pursuant to this section.

5 (c) The provisions of this section shall not apply to a person seeking
6 medical assistance during the course of the execution of an arrest warrant
7 or search warrant or a lawful search.

8 (d) Nothing in this section shall be construed to preclude a person
9 who is immune from criminal prosecution pursuant to this section from
10 being prosecuted on the basis of evidence obtained from an independent
11 source.

12 (e) No property seized by law enforcement during an encounter that
13 results in a person being immune from criminal prosecution pursuant to
14 this section shall be subject to civil asset forfeiture pursuant to K.S.A. 60-
15 4101 et seq., and amendments thereto.

16 Sec. 2. This act shall take effect and be in force from and after its
17 publication in the statute book.