

Regular Session, 2014

SENATE BILL NO. 535

BY SENATORS ADLEY, BUFFINGTON AND WHITE

LEGISLATIVE AGENCIES. Establishes the Chief Legislative Security Officer and the Legislative Security Council. (gov sig)

1 AN ACT

2 To enact Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised  
3 of R.S. 24:671 through 675, and 681 through 685, and R.S. 40:1379.1(O), relative  
4 to legislative security; to provide for a director of legislative security; to provide for  
5 the qualifications, compensation, duties and functions of the director; to provide for  
6 legislative security officers; to provide for the manner in which certain special  
7 officer commissions may be issued; to create the Joint Legislative Security Council;  
8 to provide for the composition and membership of the council; to provide for the  
9 powers and duties of the council; to provide for compensation of the council  
10 members; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. Chapter 11 of Title 24 of the Louisiana Revised Statutes of 1950,  
13 comprised of R.S. 24:671 through 676, and 681 through 685 is hereby enacted to read as  
14 follows:

15 **CHAPTER 11. LEGISLATIVE SECURITY DIRECTOR;**

16 **LEGISLATIVE SECURITY COUNCIL**

17 **PART I. LEGISLATIVE SECURITY DIRECTOR**

1           **§671. Legislative security director; qualifications; compensation**

2           **A. There shall be a director of legislative security who shall be the chief**  
3           **security officer for the legislature. The director of legislative security shall be**  
4           **elected by the favorable vote of a majority of the elected members of both**  
5           **houses of the legislature, after having been interviewed by the Joint Legislative**  
6           **Security Council and recommended for employment by the council by a**  
7           **majority vote, and shall serve at the pleasure of the legislature. He may be**  
8           **removed by a majority vote of the elected members of both houses of the**  
9           **legislature. Any vacancy occasioned by death, resignation, or otherwise, which**  
10           **occurs while the legislature is not in session, shall be filled on a temporary basis**  
11           **by the Joint Legislative Security Council, until such time as such vacancy shall**  
12           **be filled by the legislature as provided in this Paragraph.**

13           **B. The director shall be a graduate of a recognized, accredited college**  
14           **or university and have ten years of full-time law enforcement experience or**  
15           **have fifteen years of full-time law enforcement experience in lieu of a college**  
16           **degree. He shall be POST-certified and possess qualifications necessary to be**  
17           **commissioned as a special officer as provided in R.S. 40:1379.1(O). He shall not**  
18           **be a member of the legislature.**

19           **C. The salary of the director of legislative security shall be fixed by the**  
20           **Joint Legislative Security Council, and together with all other expenses and**  
21           **salaries of his office necessary to carry out the duties required pursuant to R.S.**  
22           **24:672, shall be submitted to the Legislative Budgetary Control Council.**

23           **§672. Duties and functions**

24           **A. Subject to the general direction and supervision of the Joint**  
25           **Legislative Security Council, the director of legislative security shall have the**  
26           **following duties and functions:**

27           **(1) Oversee law enforcement and physical security for such parts of the**  
28           **state capitol building and state capitol complex, as defined in R.S. 49:149, that**  
29           **are used by the legislature, its members and staff.**

1           (2) Oversee law enforcement and physical security for the legislature, its  
2           members and staff at any official meeting or function of the legislature, and its  
3           committees approved by the president of the Senate or the speaker of the House  
4           of Representatives regardless of location.

5           (3) Develop an annual budget for the operations of the office, subject to  
6           approval by the Joint Legislative Security Council which shall be submitted to  
7           the Legislative Budgetary Control Council.

8           (4) Employ such security officers and other personnel as are necessary  
9           to ensure the physical security of the parts of the state capitol building and state  
10          capitol complex that are used by the legislature, its members and staff.

11          (5) Ensure that security officers are POST-certified and possess  
12          qualifications necessary to be commissioned as special officers pursuant to R.S.  
13          40:1379.1(O).

14          (6) Develop, coordinate, and implement security training for security  
15          officers.

16          (7) Coordinate and supervise the scheduling and activities of the security  
17          officers.

18          (8) Promptly respond and immediately take appropriate action with  
19          regard to any situation which threatens life, limb, or property, or which may  
20          likely result in the disruption of general order.

21          (9) Conduct investigations and affect lawful searches, seizures, and  
22          arrests when necessary.

23          (10) Conduct research, correlate, analyze and interpret data, monitor  
24          compliance with administrative rules and regulations, make findings of fact,  
25          prepare reports, and recommend legislation, policies, and directives which  
26          relate to security.

27          (11) Act as the legislature's principal point of contact for all law  
28          enforcement recommendations to the legislature and committees with respect  
29          to security issues.

1                   (12) Develop and implement, subject to adoption by the Joint Legislative  
2                   Security Council, a comprehensive security plan for the parts of the state capitol  
3                   building and state capitol complex that are used by the legislature, its members,  
4                   and staff.

5                   (13) Carry out all directives issued by either house of the legislature or  
6                   committees thereof relative to security issues.

7                   §673. Employees; salaries

8                   The director of legislative security shall appoint and remove all security  
9                   officers and other necessary employees and shall fix all salaries upon the  
10                  approval of the Joint Legislative Security Council.

11                  §674. Domicile

12                  A. The offices of the director of legislative security shall be domiciled in  
13                  the state capitol building in Baton Rouge, and adequate space for housing the  
14                  security staff and equipment and the performance of services and functions for  
15                  the benefit of the legislature shall at all times be provided.

16                  §675. Responsibility to legislature; lead investigative officer; supplemental  
17                  operating funds

18                  A. The director of legislative security shall, in every aspect of his  
19                  functions, duties, and operations, be responsible solely to the legislature and to  
20                  no other branch of state government or any board, commission, department or  
21                  agency or official of any other branch of state government.

22                  B. Notwithstanding any other law to the contrary, the director shall be  
23                  the lead investigative officer for any security breach or occurrence in the state  
24                  capitol building and the parts of the state capitol complex used by the  
25                  legislature, its members and staff.

26                  C. The designation of the director of legislative security as the chief  
27                  legislative security officer for the legislature shall not otherwise affect the duties  
28                  of the sergeant at arms of the Senate or the House of Representatives as  
29                  provided in the Rules of Order of the Senate or the Rules of Order of the House

1 of Representatives.

2 D. The presiding officers of each of the houses of the legislature shall  
3 have authority to expend, or to pay over to the legislative security office for  
4 expenditure, out of any funds available to either or both of them such amounts  
5 as are necessary to provide supplementary funds for the purpose of fully  
6 carrying out any one or more of the functions of the legislative security director  
7 for the benefit of the legislature, its members, and staff.

8 PART II. LEGISLATIVE SECURITY COUNCIL

9 §681. Legislative Security Council; membership; officers; vacancies

10 A. The Legislative Security Council, hereinafter referred to as the  
11 "council", is hereby created.

12 B. The council shall be composed of ten members, five members to be  
13 appointed by the president of the Senate from the membership of the Senate  
14 and five members to be appointed by the speaker of the House of  
15 Representatives from the membership of the House of Representatives.  
16 Appointments to the council shall be made within ninety days after the  
17 convening of the regular session of the legislature in each year in which the  
18 members of the legislature take office. The council shall select a chairman and  
19 vice chairman and such other officers as it deems necessary. The chairmanship  
20 and vice chairmanship shall rotate between the Senate and House of  
21 Representatives every two years. Any vacancy in the membership of the council  
22 shall be filled in the manner of the original appointment.

23 §682. Powers and duties

24 A. The council shall have such powers and duties as are conferred upon  
25 it by this Chapter and such other duties as are provided by law or otherwise  
26 assigned by the legislature and shall meet from time to time as it deems  
27 necessary.

28 B. The council shall be responsible for adopting a comprehensive  
29 security plan for the parts of the state capitol building and state capitol complex

1 that are used by the legislature, its members and staff as it deems necessary or  
2 appropriate.

3 C. The council shall be responsible for reviewing and approving, with  
4 whatever changes it deems necessary or appropriate, each annual budget for the  
5 operations of the office of the director of legislative security prior to submission  
6 of the budget to the Legislative Budgetary Control Council, and shall fix the  
7 salary of the director.

8 D. The council shall have the full power and authority of the legislature  
9 inherent in that body and conferred by law to hold hearings, subpoena  
10 witnesses, administer oaths, compel the production of books, documents,  
11 records and papers, take testimony at public or private hearings, and upon  
12 failure of any person to comply with an order of the council, to punish for  
13 contempt.

14 §683. Contempt of council; authority to conduct proceedings

15 Failure to comply with any order of the council issued in accordance  
16 with or under the authority of this Chapter, refusal to testify, or any act of  
17 disrespect or of disorderly or contemptuous behavior before the council shall  
18 constitute contempt of the council; and the council shall have the power and  
19 authority to initiate and conduct proceedings for contempt, and to prescribe  
20 punishment in the event there is a finding of contempt. In addition, false  
21 swearing or perjury before the council shall be punished in accordance with the  
22 laws of the state.

23 §684. Punishment for contempt

24 In addition to the power and authority of the council to punish for  
25 contempt as provided in Article III, Section 7(B) of the Louisiana Constitution,  
26 the council shall also have the power and authority to invoke the provisions of  
27 R.S. 24:4 through R.S. 24:6, inclusive, in order to subject persons guilty of  
28 contempt of the council to the penalties provided in R.S. 24:4.

29 §685. Compensation

1                     **The members of the council shall receive the same per diem and travel**  
2                     **allowance in the performance of their duties as is provided for members of the**  
3                     **legislature.**

4 Section 2. R.S. 40:1379.1(O) is hereby enacted to read as follows:

5                     §1379.1. Special officers; powers and duties; concealed handgun permit

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7                     **(O). Notwithstanding the provisions of Subsections A, B, C, and D of this**  
8                     **Section, the deputy secretary of public safety services shall issue a special**  
9                     **officer's commission to any legislative security officer when directed to do so by**  
10                    **the chairman of the Joint Legislative Security Council. The deputy secretary**  
11                    **shall not determine eligibility for a special officer's commission under this**  
12                    **Subsection, which determination shall be made solely by the chairman of the**  
13                    **Joint Legislative Security Council.**

14                    Section 2. This Act shall become effective upon signature by the governor or, if not  
15                    signed by the governor, upon expiration of the time for bills to become law without signature  
16                    by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
17                    vetoed by the governor and subsequently approved by the legislature, this Act shall become  
18                    effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Yolanda Dixon.

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DIGEST

Adley (SB 535)

Proposed law creates the director of legislative security as the chief security officer for the legislature. Provides for the election of the director upon a favorable majority of the elected members of both houses of the legislature after having been interviewed by the Joint Legislative Security Council and recommended for employment by the council by a majority vote. Provides that the director shall serve at the pleasure of the legislature and may be removed by a majority vote of the elected members of both houses of the legislature. Provides that any vacancy occasioned by death, resignation, or otherwise which occurs while the legislature is not in session, be filled on a temporary basis by the Joint Legislative Security Council, until such time as such vacancy shall be filled by the legislature.

Proposed law provides that the director be a graduate of a recognized, accredited college or university plus 10 years of full-time law enforcement experience, or 15 years of full-time law enforcement experience in lieu of a college degree. Further requires that the director be POST-certified and possess qualifications necessary to be commissioned as a special officer.

Proposed law provides that the salary of the director of legislative security be fixed by the Joint Legislative Security Council. Requires that all other expenses and salaries of the office which are necessary to carry out his duties be submitted to the Legislative Budgetary Control Council.

Proposed law provides for the duties of the director. Specifies that the director shall:

- (1) Oversee law enforcement and physical security for such parts of the state capitol building and state capitol complex, that are used by the legislature.
- (2) Oversee law enforcement and physical security at any official meeting or function of the legislature, or its committees, regardless of location.
- (3) Develop an annual budget for the operations of the office, subject to approval by the Joint Legislative Security Council.
- (4) Employ security officers and other personnel necessary to ensure the physical security of the parts of the state capitol building and state capitol complex that are used by the legislature.
- (5) Ensure that security officers are POST-certified and possess qualifications necessary to be commissioned as special officers.
- (6) Develop, coordinate and implement security training for security officers.
- (7) Coordinate and supervise the scheduling and activities of the security officers.
- (8) Respond and act with regard to any security event.
- (9) Conduct investigations and affect lawful searches, seizures, and arrests.
- (10) Conduct research, analyze and interpret data, monitor compliance with administrative rules and regulations, make findings of fact, prepare reports, and recommend legislation, policies and directives which relate to security.
- (11) Act as the legislature's principal point of contact for all law enforcement recommendations to the legislature.
- (12) Develop a comprehensive security plan for the state capitol.

Proposed law provides that the director shall have offices in the state capitol building sufficient for the performance of his duties.

Proposed law provides that the director shall be solely responsible to the legislature in his functions and duties and shall be the lead investigative officer in any security breach or occurrence in the state capitol building. Specifies that the designation of the director as chief legislative security officer shall not otherwise affect the duties of the sergeant at arms of the Senate or the House of Representatives.

Proposed law authorizes the presiding officers of each house to expend any funds available to either or both of them to supplement the functions of the legislative security director.

Proposed law creates the Legislative Security Council. Provides that the council be composed of five members from the Senate appointed by the president and five members from the House of Representatives appointed by the speaker. Authorizes the council to select a chairman and vice chairman. Provides that the chairmanship and the vice chairmanship rotate between the Senate and the House of Representatives every two years.



Proposed law provides for the duties of the council and specifies that the council be responsible for adopting a comprehensive security plan for the parts of the state capitol building and state capitol complex used by the legislature. Requires the council to review and approve the annual budget for the operations of the director prior to submission of the budget to the Legislative Budgetary Control Council, and to fix the salary of the director.

Proposed law invests the council with the power of the authority of the legislature to hold hearings, subpoena witnesses, administer oaths, take public testimony, compel the production of documents, and to punish for contempt.

Proposed law authorizes the deputy secretary of public safety services to issue a special officer's commission to any legislative security officer when directed by the chairman of the Joint Legislative Security Council. Provides that chairman of the Joint Legislative Security Council shall determine the eligibility for a special officer's commission rather than the deputy secretary.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 24:671-675, 681-685, and R.S. 40:1379.1(O))