

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 675, 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 the time as such vacancy shall**  
12           **be filled by the legislature as provided in this Paragraph.**

13           **B. The director shall have such qualifications as determined by the Joint**  
14           **Legislative Security Council. He shall not be a member of the legislature.**

15           **C. The salary of the director of legislative security shall be fixed by the**  
16           **Joint Legislative Security Council, and together with all other expenses and**  
17           **salaries of his office necessary to carry out the duties required pursuant to R.S.**  
18           **24:672, shall be submitted to the Legislative Budgetary Control Council for**  
19           **approval.**

20           **§672. Duties and functions**

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

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

27           **(2) Oversee law enforcement and physical security for the legislature, its**  
28           **members and staff at any official meeting or function of the legislature, and its**  
29           **committees approved by the president of the Senate or the speaker of the House**

1 **of Representatives regardless of location.**

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

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

8 **(5) Ensure that security officers are POST-certified and possess**  
9 **qualifications necessary to be commissioned as special officers pursuant to R.S.**  
10 **40:1379.1(O).**

11 **(6) Develop, coordinate, and implement security training for security**  
12 **officers.**

13 **(7) Coordinate and supervise the scheduling and activities of the security**  
14 **officers.**

15 **(8) Promptly respond and immediately take appropriate action with**  
16 **regard to any situation which threatens life, limb, or property, or which may**  
17 **likely result in the disruption of general order within his area of jurisdiction.**

18 **(9) Conduct investigations and affect lawful searches, seizures, and**  
19 **arrests when necessary.**

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

24 **(11) Act as the legislature's principal point of contact for all law**  
25 **enforcement recommendations to the legislature and committees with respect**  
26 **to security issues.**

27 **(12) Develop and implement, subject to adoption by the Joint Legislative**  
28 **Security Council, a comprehensive security plan for the parts of the state capitol**  
29 **building and state capitol complex that are used by the legislature, its members,**

1           **and staff.**

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

4           **§673. Employees; salaries**

5                   **The director of legislative security shall appoint and remove all security**  
6           **officers and other necessary employees and shall fix all salaries upon the**  
7           **approval of the Joint Legislative Security Council.**

8           **§674. Domicile**

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

13          **§675. Responsibility to legislature; lead investigative officer; supplemental**  
14                   **operating funds**

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

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

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

28                   **D. The presiding officers of each of the houses of the legislature shall**  
29          **have authority to expend, or to pay over to the legislative security office for**

1 expenditure, out of any funds available to either or both of them such amounts  
2 as are necessary to provide supplementary funds for the purpose of fully  
3 carrying out any one or more of the functions of the legislative security director  
4 for the benefit of the legislature, its members, and staff.

5 PART II. LEGISLATIVE SECURITY COUNCIL

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

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

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

20 §682. Powers and duties

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

25 B. The council shall be responsible for adopting a comprehensive  
26 security plan for the parts of the state capitol building and state capitol complex  
27 that are used by the legislature, its members and staff as it deems necessary or  
28 appropriate.

29 C. The council shall be responsible for reviewing and approving, with

1 whatever changes it deems necessary or appropriate, each annual budget for the  
2 operations of the office of the director of legislative security prior to submission  
3 of the budget to the Legislative Budgetary Control Council, and shall fix the  
4 salary of the director.

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

11 E. The council shall determine the qualifications of the director of  
12 legislative security.

13 **§683. Contempt of council; authority to conduct proceedings**

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

22 **§684. Punishment for contempt**

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

28 **§685. Compensation**

29 The members of the council shall receive the same per diem and travel



Council for approval.

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 within his area of jurisdiction.
- (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. Provides that the council determine the qualifications of the director of legislative security.

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))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Removes provision that the director be a graduate of a recognized accredited college or university and have 10 years full-time law enforcement experience or 15 years of full-time law enforcement experience in lieu of a college degree.
2. Removes requirement that the director be POST-certified and possess qualifications necessary to be commissioned as a special officer by the deputy secretary of public safety services.
3. Provides that the Joint Legislative Security Council shall determine the qualifications of the director of legislative security.