

Regular Session, 2014

SENATE BILL NO. 535

BY SENATORS ADLEY, BUFFINGTON AND WHITE

LEGISLATIVE AGENCIES. Establishes the Chief Legislative Security Officer and the Joint 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 684, 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 684 is hereby enacted to read as
14 follows:

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

16 **JOINT 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 Subsection.**

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 **fifteen years of full-time law enforcement experience in lieu of a college degree.**
16 **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 for**
23 **approval.**

24 **§672. Duties and functions**

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

28 **(1) Oversee law enforcement and physical security for such parts of the**
29 **state capitol building and state capitol complex, as defined in R.S. 49:149.1, that**

1 are used by the legislature, its members and staff.

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

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

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

12 (5) Ensure that security officers are POST-certified and possess
13 qualifications necessary to be commissioned as special officers pursuant to R.S.
14 40:1379.1(O).

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

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

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

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

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

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

1 to security issues.

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

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

8 **§673. Employees; salaries**

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

12 **§674. Domicile**

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

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

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

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

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

1 provided in the Rules of Order of the Senate or the Rules of Order of the House
2 of Representatives.

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

9 PART II. JOINT LEGISLATIVE SECURITY COUNCIL

10 §681. Joint Legislative Security Council; membership; officers; vacancies

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

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

24 §682. Powers and duties

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

29 B. The council shall be responsible for adopting a comprehensive

1 security plan for the parts of the state capitol building and state capitol complex
 2 that are used by the legislature, its members, and staff as it deems necessary or
 3 appropriate.

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

9 D. In carrying out the powers and duties conferred upon it by this
 10 Chapter, and limited to the description of the powers, duties, and jurisdiction
 11 of the council as provided in this Chapter, the council shall have the power and
 12 authority of the legislature inherent in that body and conferred by law to hold
 13 hearings, administer oaths, take testimony at public or private hearings, and
 14 pursue punishment for contempt of the council as otherwise provided by law.

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

16 Failure to comply with any order of the council issued in accordance
 17 with or under the authority of this Chapter, refusal to testify, or any act of
 18 disrespect or of disorderly or contemptuous behavior before the council shall
 19 constitute contempt of the council; and the council shall have the power and
 20 authority to initiate and pursue proceedings for contempt as provided by law.
 21 In addition, false swearing or perjury before the council shall be punished in
 22 accordance with the laws of the state.

23 §684. Compensation

24 The members of the council shall receive the same per diem and travel
 25 allowance in the performance of their duties as is provided for members of the
 26 legislature.

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

28 §1379.1. Special officers; powers and duties; concealed handgun permit

29 * * *

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

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

The original instrument was prepared by Yolanda Johnson Dixon. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

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 shall be a graduate of a recognized, accredited college or university and have 10 years of full-time law enforcement experience or 15 years of full-time law enforcement experience in lieu of a college degree. Further specifies that he shall be POST-certified and possess qualifications necessary to be commissioned as a special officer. He shall not be a member of the legislature.

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 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.
- (13) Carry out all directives issued by either legislative house or the committees relative to security issues.

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 Joint 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 to hold hearings, administer oaths, take public testimony and to pursue punishment for contempt as provided by law.

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, 681-684, 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.

Senate Floor Amendments to engrossed bill

1. Replaces the provision regarding the qualification of the director to require that the director be a graduate of a recognized, accredited college or university having 10 years full-time law enforcement experience or 15 years of full-time law enforcement experience in lieu of a college degree.
2. Requires 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, and that he not be a legislator.
3. Removes the provision that the Joint Legislative Security Council shall determine the qualifications of the director of legislative security.
4. Removes the following powers from the council: subpoena of witnesses and compelling the production of books, documents, records and papers.
5. Removes provisions with respect to the power and authority to punish for contempt under the La. Constitution and the provisions of Title 24 of the La. Revised Statutes of 1950.
6. Makes technical corrections.