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DIGEST

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SB 490 Reengrossed

2022 Regular Session

Cortez

Proposed law creates the director of capitol 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 each house of the legislature after having been interviewed by the Capitol 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 each house of the legislature. Provides that any vacancy which occurs while the legislature is not in session shall be filled temporarily by the president of the Senate and the speaker of the House of Representatives, until such time as the vacancy is filled by the legislature.

Proposed law provides that the director shall have 10 years of full-time law enforcement experience, shall be POST-certified, and shall 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 shall be recommended by the Capitol Security Council. Requires all other necessary expenses and salaries of the council to be submitted to the president of the Senate and speaker of the House of Representatives for approval.

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

- (1) Oversee law enforcement and physical security for the 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 council.
- (4) Recommend employment for 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 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 offices of the director shall be domiciled in the state capitol complex.

Proposed law provides that the director shall be responsible solely 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 capitol security officer shall not otherwise affect the duties of the sergeant at arms of the Senate or the House of Representatives.

Proposed law creates the Capitol Security Council composed of the president of the Senate, four members from the Senate appointed by the president, the speaker of the House of Representatives, and four members from the House of Representatives appointed by the speaker. Provides the speaker and the president appoint a chairman and a vice chairman of the council and that those appointments rotate in January of even-numbered years. Provides that the council determines the qualifications of the director of capitol security.

Proposed law provides for the duties of the council and specifies that the council is 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 president and speaker 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 pursue punishment for contempt as provided by law.

Present law provides that the deputy secretary of public safety services shall issue a special officer's commission to the sergeant at arms or assistant sergeants at arms of the Senate or the House of Representatives when directed to do so by the president of the Senate or speaker of the House of Representatives.

Proposed law retains present law and further provides that capitol security officers shall also be issued a special officer's commission upon direction of the president of the Senate or speaker of the House of Representatives.

Present law provides that the deputy secretary for public safety services shall provide that public safety services police officers patrol all areas within the state capitol complex to maintain peace and order and to prevent and detect crime.

Proposed law retains present law and further provides that those officers shall coordinate with and be subject to the direction of the director of capitol security within the areas in the state capitol complex that are occupied and utilized by the members, officers, and staff of the legislative branch of state government.

Proposed law adds the director of capitol security and security officers employed by the legislature upon his recommendation to the definition of peace officer.

Present law creates the capitol police and provides for appointment by the superintendent of state buildings and provides for the powers functions and duties of the capitol police within the state capitol complex. Proposed law removes these provisions.

Proposed law provides for presiding officer of each house of the legislature to make initial appointments to the Capitol Security Council and for the first meeting of the council to be held within 90 days after proposed law becomes effective.

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

(Amends R.S. 40:1379.1(N) and 1379.5(A); Adds R.S. 24:681-685 and 691-693 and R.S. 40:2402(3)(f); Repeals R.S. 49:149-149.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill

1. Make technical changes.
2. Provide that capitol security officers are eligible to receive a special officer's commission.
3. Define the director of capitol security and security officers employed by the legislature upon his recommendation as peace officers.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the reengrossed bill:

1. Remove present law provisions establishing the capitol police.
2. Change the definition utilized to define the state capitol complex and specify the area of jurisdiction for capitol security within the state capitol complex as those areas occupied and utilized by the legislative branch.
3. Provide that within the area of jurisdiction for capitol security, the DPS officers shall coordinate with and be subject to the direction of the director of capitol security.
4. Provide for the initial appointment of members to the council and for its first meeting within 90 days of the effective date of proposed law.

The Committee Amendments Proposed by House Committee on Appropriations to the reengrossed bill:

1. Make technical changes.
2. Specify that president of the Senate appoints the initial chairman and the speaker of the House appoints the initial vice chairman of the council.
3. Change deadline regarding the appointment of the council each term from 90 days from the convening of the regular session to within 20 days of the adjournment of the organizational session.