

SENATE BILL NO. 490

BY SENATOR CORTEZ

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AN ACT

To amend and reenact R.S. 40:1379.1(N)(1) and 1379.5(A) and to enact Chapter 12 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:681 through 685 and 691 through 694, and R.S. 40:2402(3)(f), and to repeal Subpart E of Part VII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950, comprised of R.S. 49:149 through 149.5, relative to capitol security; to provide for a director of capitol security; to provide for the qualifications, compensation, duties and functions of the director; to provide for capitol security officers; to provide for the manner in which certain special officer commissions may be issued; to create the Capitol Security Council; to provide for the composition and membership of the council; to provide for the powers and duties of the council; to provide for definitions; to provide relative to jurisdiction; to remove provisions for the capitol police; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 12 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:681 through 685 and 691 through 694, is hereby enacted to read as follows:

CHAPTER 12. CAPITOL SECURITY DIRECTOR;

CAPITOL SECURITY COUNCIL

PART I. CAPITOL SECURITY DIRECTOR

§681. Capitol security director; qualifications; compensation

A. There shall be a director of capitol security who shall be the chief security officer for the legislature. The director of capitol security shall be elected by the favorable vote of a majority of the elected members of each house

1 of the legislature, after having been interviewed by the Capitol Security Council
2 and recommended for employment by the council by a majority vote, and shall
3 serve at the pleasure of the legislature. He may be removed by a majority vote
4 of the elected members of each house of the legislature. Any vacancy occasioned
5 by death, resignation, or otherwise, which occurs while the legislature is not in
6 session, shall be filled on a temporary basis by the president of the Senate and
7 the speaker of the House of Representatives, until such time as the vacancy shall
8 be filled by the legislature as provided in this Subsection.

9 B. The director shall have a minimum of ten years of full-time law
10 enforcement experience. He shall be POST-certified and possess qualifications
11 necessary to be commissioned as a special officer. He shall not be a member of
12 the legislature.

13 C. The salary of the director of capitol security shall be recommended
14 by the Capitol Security Council, and together with all other expenses and
15 salaries of his office necessary to carry out the duties required pursuant to R.S.
16 24:682, shall be submitted to the president of the Senate and the speaker of the
17 House of Representatives for approval.

18 §682. Duties and functions

19 A. Subject to the general direction and supervision of the Capitol
20 Security Council, the director of capitol security shall have the following duties
21 and functions:

22 (1) Oversee law enforcement and physical security for the areas within
23 the state capitol complex, as defined in R.S. 40:1379.5, that are occupied and
24 utilized by the members, officers, and staff of the legislative branch of state
25 government, including areas of ingress and egress for those areas as necessary.

26 (2) Oversee law enforcement and physical security for the legislature, its
27 members, officers, and staff at any official meeting or function of the legislature,
28 and its committees regardless of location.

29 (3) Develop an annual budget for the operations of the office, subject to
30 approval by the Capitol Security Council, which shall be submitted to the

1 president of the Senate and the speaker of the House of Representatives for
2 approval.

3 (4) Recommend for employment such security officers and other
4 personnel as are necessary to ensure the physical security for the areas within
5 the state capitol complex, as defined in R.S. 40:1379.5, that are occupied and
6 utilized by the members, officers, and staff of the legislative branch of state
7 government, including areas of ingress and egress for those areas as necessary.

8 (5) Ensure that security officers are POST-certified and possess
9 qualifications necessary to be commissioned as special officers.

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

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

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

17 (9) Conduct investigations and affect lawful arrests when necessary.

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

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

25 (12) Develop and implement, subject to adoption by the Capitol Security
26 Council, a comprehensive security plan for the areas within the state capitol
27 complex, as defined in R.S. 40:1379.5, that are occupied and utilized by the
28 members, officers, and staff of the legislative branch of state government.

29 (13) Carry out all directives issued by the presiding officer of either
30 house of the legislature.

1 **§683. Employees; salaries**

2 **The director of capitol security shall make recommendations of**
3 **employment for all security officers and other necessary employees and shall**
4 **recommend salaries to the Capitol Security Council for approval by the**
5 **president of the Senate and the speaker of the House of Representatives.**

6 **§684. Domicile**

7 **The offices of the director of capitol security shall be domiciled in the**
8 **state capitol complex in Baton Rouge.**

9 **§685. Responsibility to legislature; lead investigative officer; supplemental**
10 **operating funds**

11 **A. The director of capitol security shall, in every aspect of his functions,**
12 **duties, and operations, be responsible solely to the legislature and to no other**
13 **branch of state government and no board, commission, department, or agency**
14 **or official of any other branch of state government.**

15 **B. Notwithstanding any other law to the contrary, the director shall be**
16 **the lead investigative officer for any security breach or occurrence in the state**
17 **capitol building and other areas within the state capitol complex, as defined in**
18 **R.S. 40:1379.5, that are occupied and utilized by the members, officers, and**
19 **staff of the legislative branch of state government.**

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

25 **PART II. CAPITOL SECURITY COUNCIL**

26 **§691. Capitol Security Council; membership; officers; vacancies**

27 **A. The Capitol Security Council, referred to in this Chapter as the**
28 **"council", is hereby created.**

29 **B. The council shall be composed of ten members as follows:**

30 **(1) The president of the Senate.**

1 (2) Four members appointed by the president of the Senate from the
2 membership of the Senate.

3 (3) The speaker of the House of Representatives.

4 (4) Four members appointed by the speaker of the House of
5 Representatives from the membership of the House of Representatives.

6 C.(1) Appointments to the council shall be made no later than twenty
7 days after the adjournment of the organizational session of the legislature.

8 (2) Any vacancy in the appointed membership of the council shall be
9 filled in the manner of original appointment for the remainder of the term.

10 D. The positions of chairman and vice chairman of the council shall
11 rotate in even-numbered years between the members of the House of
12 Representatives and the members of the Senate who serve on the council as
13 provided in this Section. In January of each even-number year, the speaker of
14 the House of Representatives shall designate a member of the House of
15 Representatives on the council who shall serve as chairman or vice chairman of
16 the council, as applicable, and the president of the Senate shall designate the
17 member of the Senate on the council who shall serve as chairman or vice
18 chairman of the council, as applicable.

19 §692. Powers and duties

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

24 B. The council shall be responsible for adopting a comprehensive
25 security plan for the areas within the state capitol complex, as defined in R.S.
26 40:1379.5, that are occupied and utilized by the legislative branch of state
27 government as it deems necessary or appropriate.

28 C. The council shall be responsible for reviewing and approving, with
29 whatever changes it deems necessary or appropriate, each annual budget for the
30 operations of the office of the director of capitol security prior to submission of

1 the budget to the president of the Senate and speaker of the House of
 2 Representatives.

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

9 §693. Contempt of council; authority to conduct proceedings

10 Failure to comply with any order of the council issued in accordance
 11 with or under the authority of this Chapter, refusal to testify, or any act of
 12 disrespect or of disorderly or contemptuous behavior before the council shall
 13 constitute contempt of the council. The council shall have the power to initiate
 14 and pursue proceedings for contempt as provided by law. False swearing or
 15 perjury before the council shall be punished in accordance with the laws of the
 16 state.

17 §694. Capitol security; joint rule

18 Notwithstanding any provision of this Chapter to the contrary, the
 19 legislature may, by joint rule, provide for the structure, authority, powers,
 20 functions, and duties of the Capitol Security Council, the director of capitol
 21 security, capitol security officers, capitol security personnel, and officers of the
 22 legislature relative to capitol security.

23 Section 2. R.S. 40:1379.1(N)(1) and 1379.5(A) are hereby amended and reenacted
 24 and R.S. 40:2402(3)(f) is hereby enacted to read as follows:

25 §1379.1. Special officers; powers and duties; concealed handgun permit

26 * * *

27 N.(1) Notwithstanding the provisions of Subsections A, B, C, and D of this
 28 Section, the deputy secretary of public safety services shall issue a special officer's
 29 commission to the sergeant at arms or assistant sergeants at arms of the Senate or the
 30 House of Representatives or a capitol security officer when directed to do so by the

1 president of the Senate or the speaker of the House of Representatives. The deputy
2 secretary shall not determine eligibility for a special officer's commission under this
3 Subsection, which determination shall be made solely by the president of the Senate
4 or the speaker of the House of Representatives.

5 * * *

6 §1379.5. State capitol complex; provision of police protection; maintenance of peace
7 and order

8 A.(1) The deputy secretary for public safety services of the Department of
9 Public Safety and Corrections shall provide that public safety services police officers
10 regularly patrol all areas within the state capitol complex to maintain peace and order
11 and to prevent and detect crime.

12 **(2) Within the areas in the state capitol complex that are occupied and**
13 **utilized by the members, officers, and staff of the legislative branch of state**
14 **government, all public safety services police officers shall coordinate with and**
15 **be subject to the direction of the director of capitol security in accordance with**
16 **Chapter 12 of Title 24 of th Louisiana Revised Statutes of 1950.**

17 * * *

18 §2402. Definitions

19 As used in this Chapter:

20 * * *

21 (3)

* * *

22 **(f) "Peace officer" shall also include the director of capitol security and**
23 **security officers employed by the legislature upon recommendation of the**
24 **director as provided by R.S. 24:861 et seq.**

25 * * *

26 Section 3. Subpart E of Part VII of Chapter 1 of Title 49 of the Louisiana Revised
27 Statutes of 1950, comprised of R.S. 49:149 through 149.5, is hereby repealed in its entirety.

28 Section 4. Notwithstanding any provision of Section 1 of this Act to the contrary, the
29 presiding officer of each house of the legislature shall make the initial appointments to the
30 Capitol Security Council and the council shall hold its first meeting within ninety days after

1 the effective date of this Act. A member of the Capitol Security Council designated by the
 2 president of the Senate shall serve as the first chairman of the council and a member of the
 3 council designated by the speaker of the House of Representatives shall serve as the first
 4 vice chairman of the council. Thereafter, the positions of chairman and vice chairman of the
 5 council shall rotate at the time and in the manner provided by Section 1 of this Act. The
 6 chairman shall call the first meeting of the council in accordance with this Section.

7 Section 5. This Act shall become effective upon signature by the governor or, if not
 8 signed by the governor, upon expiration of the time for bills to become law without signature
 9 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 10 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 11 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____