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LEGISLATIVE SERGEANTS AT ARMS: COMMISSION AS POLICE OFFICERS

House Bill 6016 with committee amendment

Sponsor: Rep. Larry Julian

House Bill 6017 as introduced Sponsor: Rep. Ken Bradstreet

Committee: House Oversight and Operations First Analysis (10-4-00)

THE APPARENT PROBLEM:

Both the State House of Representatives and the State Senate appoint a sergeant at arms and assistant sergeants to help maintain order, ensure proper decorum, and carry out other useful functions, such as the supervision of pages. It is generally understood that they provide a degree of protection for legislators, employees, and others around the State Capitol and other legislative buildings. While the House rules say that the sergeant at arms is “the chief police officer” of the House, and the Senate rules describe the sergeant at arms as “the chief security officer” of the Senate, these legislative sergeants are not commissioned police officers and do not have the powers and immunities that police officers have in carrying out their duties. Sergeants are limited in the actions they can take to maintain order when there are disturbances in legislative buildings. For example, they cannot detain and arrest people or ticket them. This was driven home during several recent incidents, including a fight in the new House Office Building. Concern about the level of security at the State Capitol and other legislative buildings, particularly given the slender presence of state police troopers and other Capitol security officers, has led to proposals that sergeants be commissioned as police officers in order to provide improved security.

THE CONTENT OF THE BILLS:

House Bill 6017 would create a new public act to specify that each house of the legislature could commission a sergeant at arms and one or more assistant sergeants at arms as police officers, to enforce rules adopted by that house and the laws of the state as designated by the respective houses. In performing their enforcement activities, commissioned sergeants at arms and assistant sergeants at arms would be vested

with the powers, privileges, prerogatives, and immunities conferred upon police officers under the laws of the state. The office of sergeant at arms of each house would be a law enforcement agency of the state.

Each commissioned sergeant and assistant sergeant would have the power to enforce rules adopted by that house and state laws in the Capitol building; buildings in which the offices of legislators are located; locations where either house is holding a session, meeting, or public hearing, including a reasonable time before and after the session, meeting, or hearing; legislative parking areas; and areas immediately adjacent to those previously mentioned.

The Senate could, under its rules, delegate the commissioning of sergeants and assistant sergeants as police officers and the designating of their responsibilities to the Senate Majority Leader, the Secretary of the Senate, or other officers or employees of the Senate. The House, under its rules, could delegate the commissioning of sergeants and assistants and the designating of their responsibilities to the Speaker of the House of Representatives, the Clerk of the House, or other officers or employees of the House.

House Bill 6016 would amend the Commission on Law Enforcement Standards Act (MCL 28.602 and 28.609a) to include under the definition of “police officer” or “law enforcement officer” the sergeant of arms or any assistant sergeant of arms of either house of the legislature who was commissioned as a police officer by that respective house as provided by law.

The two bills are tie-barred.

BACKGROUND INFORMATION:

House Rule 26 says, “The Sergeant at Arms shall be the chief police officer of the House and shall be appointed by the Speaker.” Rule 27 says, in part, “The Sergeant at Arms shall have charge, under the direction of the Speaker, of the Assistant Sergeants at Arms and pages, and control of all police regulations.” Senate Rule 1.119 says, “The Sergeant at Arms shall be the chief security officer of the Senate. Under the direction of the Senate Majority Leader, the Secretary of the Senate shall supervise and direct the work of the Sergeant at Arms, Assistant Sergeants at Arms, and Pages.”

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that House Bill 6017 would have a very minimal fiscal impact on the state. Minimal costs would be associated with the purchase of special equipment for those sergeants certified as police officers. However, these costs would be absorbed through existing resources and additional appropriations would not be necessary. In its analysis of House Bill 6016, the HFA says the bill would impose costs on the Commission on Law Enforcement Standards (COLES), which is charged with the certification of police officers and is overseen by the Department of State Police. However, the HFA points out that the increase in the commission’s duties would be small since the House and Senate only employ 21 people as sergeants and assistant sergeants; there is a relatively low rate of turnover; and 12 of the 21 sergeants are already certified as police officers. (Information based on HFA fiscal notes dated 10-4-00)

ARGUMENTS:**For:**

The bills aim at improving the security at the State Capitol and other legislative buildings by permitting the commissioning of legislative sergeants at arms and assistant sergeants as police officers. Those sergeants who receive commissions would have the powers, privileges, prerogatives, and immunities conferred on police officers under state law. This would provide for a greater degree of protection for legislators, legislative employees, citizens, and others who regularly inhabit and visit the Capitol and other legislative buildings. There is an expectation now that sergeants are responsible for maintaining order and proper decorum and for promoting security for the legislature. The aim

is to give them the tools and training to better carry out their responsibilities. The intention is for only those sergeants with appropriate police training to be commissioned as police officers. In a time when the state police and Capitol security presence at the Capitol is thinly stretched, these bills will allow the legislature to be better prepared for threats to life and property. It is not the intention of the proposal to limit access to the legislature or prevent people from assembling to express their views, but simply to improve security. Whether to commission sergeants and what responsibilities to delegate to them will be up to the membership of the respective legislative bodies.

Response:

Expanding the number of people who are granted police powers is a serious step that should not be carried out hastily. A number of logistical questions have yet to be addressed (such as whether sergeants are to be required to detain and transport prisoners and appear to testify in court).

POSITIONS:

The Clerk of the House of Representatives testified in support of the bills. (10-3-00)

Analyst: C. Couch

#This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.