



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

**LEGISLATIVE SERGEANTS AT
ARMS: COMMISSION AS POLICE
OFFICERS**

**House Bill 5341 (Substitute H-1)
Sponsor: Rep. Ken Bradstreet**

**House Bill 5342 (Substitute H-1)
Sponsor: Rep. Larry Julian**

**Committee: House Oversight and
Operations
First Analysis (10-31-01)**

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. Concern about the level of security at the State Capitol and other legislative buildings, particularly given the slender presence of state police troopers and 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 5341 would create a new act, the Legislative Sergeant of Arms Police Powers Act, to allow each house of the legislature to 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. The bill would specify that a sergeant or assistant sergeant commissioned as a police officer would be subject to the training and certification requirements of the Commission on Law Enforcement Standards Act.

Each commissioned sergeant and assistant sergeant would have the power to enforce rules adopted by that house and state laws in the Capitol building and on the grounds; buildings in which the offices of legislators are located; locations where either house or a committee or subcommittee of 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. At least once per legislative session, the person designated to supervise the sergeants at arms staff of each house would be required to report to the appropriate standing committee (the House Oversight and Operations Committee and the Senate Government

House Bills 5341 and 5342 (10-31-01)

Operations Committee) on the activities of the sergeants at arms and other matters of interest involving the security and decorum of that house.

House Bill 5342 would amend the Commission on Law Enforcement Standards Act (MCL 28.602) 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 the Legislative Sergeant At Arms Police Powers Act.

Expiration date, tie-bar. The two bills are tie-barred to each other, and each would “sunset” three years after its effective date.

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 5341 would have a very minimal fiscal impact on the state. Minimal costs would be associated with the recertification of the sergeants and with the purchase of special equipment. However, these costs would be absorbed through existing resources and additional appropriations would not be necessary. (10-31-01)

In its analysis of House Bill 5342, 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 18 people as sergeants and assistant sergeants; there is a relatively low rate of turnover; and 9 of the 18 sergeants are already certified as police officers. (10-30-01)

ARGUMENTS:

For:

The bills aim at improving 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 bills would require that those sergeants commissioned as police officers be subject to the training and certification requirements of the Commission on Law Enforcement Standards Act. At a time when the state police 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.

Against:

Expanding the number of people who are granted police powers is a serious step that should not be taken lightly. Some have suggested that it would be more appropriate to simply expand the presence of the state police in the Capitol complex. If that takes additional funding, then perhaps the legislature should make that a budgetary priority.

Response:

The majority of those employed as sergeants are retired police officers who are already certified under the Commission on Law Enforcement Standards Act; it makes sense to utilize current personnel and to give them the authority that they need to carry out their security responsibilities, rather than to add to the state budget to add state police personnel.

POSITIONS:

There are no positions on the bill.

Analyst: D. Martens

■ 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.