

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA

BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

House Bill 5341 (Substitute S-1 as reported)
House Bill 5342 (Substitute S-1 as reported)
Sponsor: Representative Ken Bradstreet (House Bill 5341)
Representative Larry Julian (House Bill 5342)
House Committee: House Oversight and Operations
Senate Committee: Judiciary

Date Completed: 11-19-01

RATIONALE

Each house of the Michigan Legislature appoints a sergeant at arms and assistant sergeants to help maintain order, ensure proper decorum, and carry out other functions such as the supervision of legislative pages. Sergeants provide a degree of protection for legislators, employees, and visitors around the State Capitol and other legislative buildings. Although the Senate rules describe the sergeant at arms as "the chief security officer" of the Senate, and the House rules say that the sergeant at arms is the "the chief police officer" of the House, legislative sergeants are not commissioned police officers and do not have the powers and immunities of police officers in carrying out law enforcement duties. Sergeants are limited in the actions they are authorized to take to maintain order when there are disturbances in legislative buildings. For example, sergeants may not detain and arrest people or ticket them. In light of concerns about the level of security at the State Capitol and other legislative forums, particularly since the presence of State Police troopers and security officers is limited, some people believe that sergeants should be commissioned as police officers in order to provide improved security.

CONTENT

House Bill 5341 (S-1) would create the "Legislative Sergeant At Arms Police Powers Act" to allow the Senate and the House of Representatives to commission as police officers the sergeant at arms and one or more assistant sergeants at arms within each respective house of the Legislature.

House Bill 5342 (S-1) would amend the Commission on Law Enforcement Standards Act to include in the definition of "police officer" or "law enforcement officer" the sergeant at arms or any assistant sergeant at arms of either house of the Legislature who was commissioned as a police officer by the Senate or the House under the proposed Legislative Sergeant At Arms Police Powers Act.

The bills are tie-barred.

A more detailed description of House Bill 5341 (S-1) follows.

Under the bill, each house of the Legislature could commission its sergeant at arms and one or more assistant sergeants as police officers to enforce rules adopted by that house of the Legislature and Michigan laws, as designated by the Senate and the House, respectively. In performing those 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 Michigan law.

The office of sergeant at arms of each house of the Legislature would be a Michigan law enforcement agency. A sergeant at arms or assistant sergeant commissioned as a police officer under the bill would be subject to the training and certification requirements under the Commission on Law Enforcement Standards Act.

Each commissioned sergeant and assistant sergeant would have the power to enforce Michigan laws and rules adopted by the house of the Legislature that commissioned him or her in the following places:

- The Capitol and Capitol grounds.
- Buildings in which the offices of legislative members were located.
- Locations where either house of the Legislature or a legislative committee or subcommittee was holding a session, meeting, or public hearing, including a reasonable time before and after the session, meeting, or hearing.
- Legislative parking areas.
- Areas immediately adjacent to the places described above.

A sergeant at arms or assistant sergeant commissioned as a police officer under the bill could exercise his or her authority as a police officer at locations where either house of the Legislature or a legislative committee or subcommittee was holding a session, meeting, or public hearing only while actually engaging in his or her duties as the sergeant at arms or an assistant sergeant at arms under the rules adopted by the Senate or the House.

The Senate, pursuant to its rules, could delegate to the Senate Majority Leader, the Secretary of the Senate, or other Senate officers or employees the authority to commission the sergeant at arms or assistant sergeants as police officers. The House of Representatives, pursuant to its rules, could delegate to the Speaker of the House, the Clerk of the House, or other House officers or employees the authority to commission the sergeant at arms or assistant sergeants as police officers.

At least once per legislative session, the individuals designated to supervise the sergeants at arms under Senate and House rules, or their designees, would have to report to the Senate Government Operations Committee and the House Oversight and Operations Committee on the activities of the sergeants at arms and other matters of interest involving the security and decorum in their respective houses of the Legislature.

MCL 28.602 (H.B. 5342)

BACKGROUND

Senate Rule 1.119 states: "The Sergeant at Arms is 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." Under that rule, the sergeant at arms also must attend Senate sessions and "maintain order under the direction of the presiding officer", and is charged with maintaining order in the Senate gallery and chamber as well as committee meeting rooms.

House Rule 26 states: "The Sergeant at Arms shall be the chief police officer of the House and shall be appointed by the Speaker." Under House Rule 27, the sergeant "shall have charge, under the direction of the Speaker, of the Assistant Sergeants at Arms and pages, and control of all police regulations".

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

By authorizing the Senate and the House to commission legislative sergeants at arms and assistant sergeants as police officers, the bills should improve security at the State Capitol, legislative office buildings, and other locations where legislative meetings are held. Those sergeants who received commissions would have the powers, privileges, prerogatives, and immunities conferred on police officers under State law. This would provide a greater degree of protection for legislators, legislative employees, citizens, and others who work in and visit the Capitol and legislative offices or attend committee meetings at other locations.

Legislative sergeants are responsible for maintaining order and proper decorum and for promoting security for the Legislature. By subjecting sergeants to the training and certification requirements of the Commission on Law Enforcement Standards Act, the bills would give them the tools and training necessary to carry out those responsibilities more effectively. Given that State Police

resources for security at the Capitol apparently are limited, the bills would enable the Legislature to be better prepared for threats to life and property. In addition, each chamber of the Legislature could control the desired level of security because the decision of whether to commission sergeants and what responsibilities to delegate to them would be left to the membership of the respective legislative bodies.

Response: Although not addressed in the bill, increasing the authority and responsibilities of legislative sergeants could necessitate a salary increase for those officials, which in turn could lead to budgetary concerns.

Opposing Argument

Expanding the number of people who are granted police powers and immunities would be a serious step. It may be more appropriate simply to expand the presence of the State Police in the Capitol complex. If doing so would require additional funding, then perhaps the State should make that a budgetary priority.

Response: The majority of those employed as legislative sergeants are former police officers who previously have been certified under the Commission on Law Enforcement Standards Act. It would be sensible to use current personnel and give them the authority that they need to fulfill their responsibilities, rather than adding to the State budget and increasing State Police personnel.

Legislative Analyst: P. Affholter

FISCAL IMPACT

The bills would result in minimal costs to the House and Senate depending on the number of sergeants at arms commissioned as police officers. Currently, five of 11 House sergeants and six of nine Senate sergeants previously have met the training and certification requirements of the Commission on Law Enforcement Standards. Costs regarding recertification training would depend on the amount of time that lapsed since an individual was employed as a Commission-certified law enforcement officer. The cost of recertification training is \$850 per officer.

Fiscal Analyst: B. Bowerman

H0102\S5341a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.