

1 HB167  
2 195301-1  
3 By Representative Ingram  
4 RFD: Public Safety and Homeland Security  
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, security personnel  
9 employed by the House of Representatives and the  
10 Senate are responsible for the security of the  
11 fourth, fifth, sixth, seventh, and eighth floors of  
12 the Alabama State House; other areas in the  
13 building used by the Legislature; and certain  
14 legislative space in the State Capitol.

15 This bill would permit the House of  
16 Representatives and the Senate to employ House and  
17 Senate police officers whose operations would be  
18 supervised and controlled by the Clerk of the House  
19 of Representatives and the Secretary of the Senate  
20 respectively.

21 This bill would provide that House and  
22 Senate police officers would be responsible for  
23 security in the entire Alabama State House,  
24 surrounding grounds, parking lots, and curtilages,  
25 and certain legislative areas of the State Capitol.

26 This bill would specify that House and  
27 Senate police officers whose certification by the

1 Alabama Peace Officers' Standards and Training  
2 Commission is current would have the powers of  
3 peace officers and law enforcement officers in this  
4 state, and this power could be exercised anywhere  
5 in this state.

6 This bill would provide, when authorized and  
7 as directed by House and Senate police officers,  
8 that part-time security employees could perform  
9 security duties at any location House and Senate  
10 police officers may perform such duties.

11 This bill would provide, when authorized and  
12 as directed by House and Senate police officers,  
13 that contract security employees may perform  
14 security duties in the Alabama State House and  
15 other specified locations.

16 This bill would permit House and Senate  
17 police officers, State Capitol police, state  
18 troopers, and other law enforcement officers, when  
19 authorized by a House or Senate police officer, to  
20 carry firearms and other deadly weapons in the  
21 Alabama State House.

22 This bill would provide that, in addition to  
23 the Legislature, when requested by the Secretary of  
24 the Senate, the Clerk of the House of  
25 Representatives, or a House or Senate police  
26 officer or any combination thereof, every state  
27 department, agency, and bureau would assist in the

1 manner requested in assuring the security of the  
2 Alabama State House.

3 This bill would also provide contempt and  
4 criminal penalties for disorderly or disruptive  
5 conduct in the State House or the disruption of  
6 legislative proceedings and would authorize House  
7 or Senate police officers to arrest, with or  
8 without a warrant, any person committing any  
9 offense on property under their jurisdiction.

10 Amendment 621 of the Constitution of Alabama  
11 of 1901, now appearing as Section 111.05 of the  
12 Official Recompilation of the Constitution of  
13 Alabama of 1901, as amended, prohibits a general  
14 law whose purpose or effect would be to require a  
15 new or increased expenditure of local funds from  
16 becoming effective with regard to a local  
17 governmental entity without enactment by a 2/3 vote  
18 unless: it comes within one of a number of  
19 specified exceptions; it is approved by the  
20 affected entity; or the Legislature appropriates  
21 funds, or provides a local source of revenue, to  
22 the entity for the purpose.

23 The purpose or effect of this bill would be  
24 to require a new or increased expenditure of local  
25 funds within the meaning of the amendment. However,  
26 the bill does not require approval of a local  
27 governmental entity or enactment by a 2/3 vote to

1           become effective because it comes within one of the  
2           specified exceptions contained in the amendment.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

7  
8           Relating to House and Senate security; to amend  
9   Section 29-4-4, Code of Alabama 1975, to authorize the House  
10 of Representatives and the Senate to employ House and Senate  
11 police officers; to specify supervision and control,  
12 authority, jurisdiction, and powers; to restrict who may carry  
13 a firearm or deadly weapon in the Alabama State House and to  
14 specify criminal penalties for a violation; to amend Section  
15 29-6-7, Code of Alabama 1975, to make conforming changes; to  
16 provide for contempt and criminal penalties for the disorderly  
17 conduct or disruption of legislative proceedings; to authorize  
18 House and Senate police officers to arrest any person  
19 committing any offense on property under their jurisdiction;  
20 to provide for pari materia construction; and in connection  
21 therewith would have as its purpose or effect the requirement  
22 of a new or increased expenditure of local funds within the  
23 meaning of Amendment 621 of the Constitution of Alabama of  
24 1901, now appearing as Section 111.05 of the Official  
25 Recompilation of the Constitution of Alabama of 1901, as  
26 amended.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Sections 29-4-4 and 29-6-7 of the Code of  
2 Alabama 1975, are amended to read as follows:

3           "§29-4-4.

4           "(a) (1) House and Senate police officers may be  
5 ~~Security personnel~~ employed by the House of Representatives  
6 and the Senate.

7           "(2) The Clerk of the House of Representatives and  
8 the Secretary of the Senate shall supervise and control the  
9 operation of House and Senate police officers, respectively,  
10 for each house. The Clerk and the Secretary shall adopt  
11 necessary security procedures and regulations to be  
12 administered by House and Senate police officers and ensure  
13 that such procedures and regulations are appropriately  
14 implemented and administered.

15           "(3)a. The Clerk of the House of Representatives and  
16 the Secretary of the Senate, through their respective police  
17 officers shall be responsible for the security of the ~~fourth,~~  
18 ~~fifth, sixth, seventh, and eighth floors of the~~ entire Alabama  
19 State House, surrounding grounds, parking lots, and curtilages  
20 ~~such other areas within the Alabama State House as are used by~~  
21 ~~the Legislature,~~ and such other areas in accordance with this  
22 section, Section 29-1-19, and other law.

23           "b. When authorized and as directed by House and  
24 Senate police officers, part-time security employees may  
25 perform security duties, including entry level screening, at  
26 any location at which House and Senate police officers may  
27 perform such security duties.

1           "c. When authorized and as directed by House and  
2 Senate police officers, contract security employees may  
3 perform security duties, including entry level screening, in  
4 the Alabama State House, surrounding grounds, parking lots,  
5 and curtilages, and at any other location where the  
6 Legislature convenes.

7           "(b) ~~The security officers~~ House and Senate police  
8 officers employed under this chapter whose certification by  
9 the Alabama Peace Officers' Standards and Training Commission  
10 is current shall have the powers of peace officers and law  
11 enforcement officers in this state and may exercise those  
12 powers ~~only in the areas designated in subsection (a)~~ within  
13 the State Capitol complex and anywhere in the state at  
14 meetings of legislative committees, meetings of the House,  
15 meetings of the Senate, and events and conferences hosted or  
16 sponsored by the Legislature or any national or regional  
17 legislative organization.

18           "(c) House and Senate police officers shall serve  
19 such process and execute such orders issued by the House or  
20 the Senate as directed by their respective houses.

21           "(d) (1) Except as provided in subdivision (2), a  
22 person may not carry or possess a firearm or other deadly  
23 weapon, as defined in Section 13A-1-2, in the Alabama State  
24 House.

25           "(2) House and Senate police officers, State Capitol  
26 police officers, and state troopers may carry a firearm or  
27 other deadly weapon, as defined in Section 13A-1-2, in the

1 Alabama State House. Additionally, other persons, when  
2 authorized by House or Senate police officers, may carry a  
3 firearm or other deadly weapon in the Alabama State House.

4 "(e) House and Senate police officers are entitled  
5 to those benefits provided to other law enforcement personnel  
6 pursuant to Sections 36-21-2 to 36-21-7, inclusive.

7 "(f) Every department, agency, and bureau of the  
8 State of Alabama shall assist in any manner requested by the  
9 Legislature, the Secretary of the Senate, the Clerk of House  
10 of Representatives, or a House or Senate police officer, or  
11 any combination thereof, in assuring the security of the ~~areas~~  
12 ~~of the~~ Alabama State House ~~designated in subsection (a).~~

13 "§29-6-7.

14 "(a) In addition to the powers otherwise provided in  
15 this chapter, the Legislative Council shall:

16 "(1) Approve budget requests, provide accounting  
17 services, make purchases, and provide mail distribution,  
18 property inventory, telephone service, electronic media  
19 services, recycling services, and building maintenance  
20 services for the Legislative Department, and all agencies and  
21 entities, respectively, therein.

22 "(2) Allocate space in the Alabama State House,  
23 including to the Senate and the House of Representatives. In  
24 carrying out its responsibilities under this subdivision, the  
25 Legislative Council may charge and collect rent from any  
26 entity allocated space in the Alabama State House at a rate  
27 set by the council. The council may establish a special fund



1 in the State Treasury to receive funds from any source to  
2 maintain the State House property. Funds in the special fund  
3 are continuously appropriated for the exclusive use of the  
4 Legislative Council, shall be maintained separately, and shall  
5 be in addition to any other funds appropriated to the  
6 Legislative Council. Any unused funds collected by or  
7 appropriated to any entity for the maintenance of the State  
8 House property remaining at the close of the fiscal year in  
9 which they were collected or for which they were appropriated  
10 shall be transferred to the fund created pursuant to this  
11 subdivision.

12 "(3) Maintain a website of legislative expenditures  
13 that includes, but is not limited to, the names, salaries, and  
14 expenses of the members, officers, and employees of the  
15 Legislative Department and any contracts entered into by the  
16 Legislative Council for the benefit of any entity or agency of  
17 the Legislative Department. This requirement may be met  
18 through publication of the required information on a site that  
19 discloses this information on a statewide basis for other  
20 state government entities.

21 "(4) Maintain the computer operations of the  
22 Legislature, including management and control of the  
23 Legislative Data Center and employ a director of technology  
24 who shall oversee the operations of the Legislative Data  
25 Center and maintain all computer guidelines of the Legislative  
26 Department and all agencies and entities therein, except that  
27 production of legislative proceedings of the respective Houses

1 shall be under the control of the Secretary of the Senate and  
2 the Clerk of the House of Representatives, respectively.

3 ~~"(5) After consulting with the Secretary of the~~  
4 ~~Senate and Clerk of the House, provide security for the~~  
5 ~~Alabama State House, the Senate, the House of Representatives,~~  
6 ~~and those portions of the State Capitol under the control of~~  
7 ~~the Legislature, the House of Representatives, or the Senate;~~  
8 ~~provided, however, that security for the Senate and House~~  
9 ~~chambers, their entrances, and galleries shall be under the~~  
10 ~~absolute supervision and control of the Secretary and Clerk,~~  
11 ~~respectively. The Legislative Council shall also establish~~  
12 ~~protocol for the cooperation between the persons providing~~  
13 ~~security for the Legislature and such other law enforcement~~  
14 ~~agencies as necessary.~~

15 ~~"(6)~~ (5) Reduce and contain the cost associated with  
16 the operation and maintenance of the Legislative Department to  
17 the fullest extent reasonably possible and practical. In  
18 accomplishing the reduction, the Legislative Council, to the  
19 fullest extent possible, shall look for methods to save public  
20 funds and contain costs.

21 ~~"(7)~~ (6) Annually review the performance of the  
22 Director of Legislative Services.

23 ~~"(8)~~ (7) Employ a director of human resources who  
24 shall handle the human resources related functions for the  
25 Legislative Services Agency. The Director of Human Resources  
26 shall provide services at the direction of the Legislative  
27 Council, including providing lists of applicants for open

1 positions and the written application for employment for each,  
2 providing assistance in the determination of salary schedules,  
3 benefits, and terms of employment, maintaining custody of  
4 records as requested, and providing consultation on employee  
5 discipline.

6 "(b) In addition to the powers otherwise provided in  
7 this chapter, the Senate Legislative Council, upon the  
8 recommendation of the Director of Human Resources, shall  
9 establish the job classifications, salary schedules, and  
10 benefits for all employees of the President Pro Tempore of the  
11 Senate. Notwithstanding the foregoing, there shall be a  
12 position of chief of staff who shall serve at the pleasure of  
13 the President Pro Tempore, under terms and conditions set by  
14 the President Pro Tempore; provided further, persons who serve  
15 at the pleasure of the Senate Majority Leader and the Senate  
16 Minority Leader serve under terms and conditions set by the  
17 Senate Majority Leader and the Senate Minority Leader,  
18 respectively; and provided further, persons employed under  
19 this sentence shall be paid from funds appropriated to the  
20 Office of the President Pro Tempore at a salary or other  
21 compensation approved by the President Pro Tempore.

22 "(c) In addition to the powers otherwise provided in  
23 this chapter, the House Legislative Council, upon the  
24 recommendation of the Director of Human Resources, shall  
25 establish the job classifications, salary schedules, and  
26 benefits for all employees of the Speaker of the House.  
27 Notwithstanding the foregoing, there shall be a position of

1 chief of staff who shall serve at the pleasure of the Speaker,  
2 under terms and conditions set by the Speaker; provided  
3 further, persons who serve at the pleasure of the House  
4 Majority Leader and the House Minority Leader serve under  
5 terms and conditions set by the House Majority Leader and the  
6 House Minority Leader, respectively; and provided further,  
7 persons employed under this sentence shall be paid from funds  
8 appropriated to the Office of the Speaker at a salary or other  
9 compensation approved by the Speaker.

10 "(d) The salary schedules, benefits, and terms of  
11 employment for all staff of the Legislative Department shall  
12 be as uniform as practical.

13 "(e) Employees of the Legislative Services Agency,  
14 Speaker of the House, and President Pro Tempore of the Senate  
15 shall be under the direction and control of the Director of  
16 the Legislative Services Agency, Speaker of the House, and  
17 President Pro Tempore of the Senate, respectively.

18 "(f) The Director of the Legislative Services Agency  
19 shall annually review the performance of each employee subject  
20 to his or her supervision and report thereon to the  
21 Legislative Council.

22 "(g) The Legislative Council, after considering in a  
23 timely manner persons recommended for hire by the Secretary of  
24 the Senate and Clerk of the House, shall hire joint employees  
25 of the Legislature. The Legislative Council shall utilize the  
26 services of the Director of Human Resources for all joint  
27 employees, including providing lists of applicants for open

1 positions and the written application for employment for each,  
2 providing assistance in determination of job classifications,  
3 salary schedules, benefits, and terms of employment,  
4 maintaining custody of records as requested, and providing  
5 consultation on employee discipline."

6 Section 2. (a) A person may be held in contempt of  
7 the Legislature for disorderly or contemptuous behavior in its  
8 presence or at any location where the Legislature or committee  
9 convenes in whole or in part, and, by warrant signed by the  
10 presiding officer of the house and countersigned by the  
11 Secretary of the Senate or the Clerk of the House, may be  
12 taken into custody by House and Senate police officers and  
13 committed to the Montgomery County Jail for imprisonment for  
14 the time which the person is committed to imprisonment or  
15 until the person is duly discharged.

16 (b) In addition to being held in contempt of the  
17 Legislature under subsection (a), a person who engages in  
18 disorderly or unseemly conduct, either in the Alabama State  
19 House or surrounding grounds, parking lots, and curtilages, or  
20 at any other location where the Legislature convenes in whole  
21 or in part, or who disturbs the deliberations of either House,  
22 including legislative committee meetings, shall be guilty of a  
23 Class C misdemeanor.

24 Section 3. The House and Senate police officers  
25 shall take proper measures to prevent interruption of  
26 deliberations of either House, including legislative committee  
27 meetings, and may arrest, with or without a warrant, any

1 person committing a violation under Section 2 or any other  
2 violation of law of this state on property under their  
3 jurisdiction as provided in Section 29-4-4, Code of Alabama  
4 1975.

5 Section 4. This act shall be construed in pari  
6 materia with Sections 29-1-19, 29-1-19.1, and 32-2-100, Code  
7 of Alabama 1975, and other applicable laws.

8 Section 5. Although this bill would have as its  
9 purpose or effect the requirement of a new or increased  
10 expenditure of local funds, the bill is excluded from further  
11 requirements and application under Amendment 621, now  
12 appearing as Section 111.05 of the Official Recompilation of  
13 the Constitution of Alabama of 1901, as amended, because the  
14 bill defines a new crime or amends the definition of an  
15 existing crime.

16 Section 6. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.