~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 25, 2009

**S. 576**

Introduced by Senators McConnell, Malloy, Scott and Knotts

S. Printed 3/25/09--S.

Read the first time March 12, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 576) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 4 to Title 2, so as to establish the Capitol Police Force, which shall consist of, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill as and if amended, by striking all after the enacting language and inserting therein the following:

/ SECTION 1. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 4

Capitol Police Force

Section 2‑4‑10. (A) In order to provide adequate police protection for the State House, the capitol grounds, and the Supreme Court Building including its grounds and parking lot, and all employees and visitors thereto, there is hereby established the Capitol Police Force.

(B) The Capitol Police Force shall consist of the following:

(1) the Capitol Police Force as described in this chapter;

(2) the Sergeant at Arms of the Senate as described in Chapter 3 of Title 2;

(3) the Sergeant at Arms of the House as described in Chapter 3 of Title 2; and

(4) the Marshal of the Supreme Court, as described in Section 14‑3‑135.

Section 2‑4‑20. The functions, powers, duties, responsibilities, and authority exercised by the Department of Public Safety and the Bureau of Protective Services at the State House and capitol grounds, in all state buildings and parking lots and garages on or around the capitol grounds, as defined in Section 10‑11‑310, and the Supreme Court Building including its grounds and parking lot, including all classified and unclassified positions currently held by Department of Public Safety and the Bureau of Protective Services employees whose duties involve providing security services, or the supervision or support of the provision of security services at the State House and capitol grounds, and in all state buildings and parking lots and garages on or around the capitol grounds, and the Supreme Court Building including its grounds and parking lot, and all real and personal property and equipment used in the provision of such security services, are transferred to and devolved on the Capitol Police Force. This transfer excludes those powers, duties, responsibilities, and authority related to the provision of security for the Governor, the Governor’s staff, and that part of the State House reserved for the executive chamber and the offices of the Governor’s staff.

Section 2‑4‑30. (A) The Capitol Police Force shall consist of:

(1) the Chief of the Capitol Police Force and such deputy officers and other employees as he may employ pursuant to this chapter;

(2) the Sergeant at Arms of the Senate and such deputy officers and other employees as provided in Chapter 3 of Title 2;

(3) the Sergeant at Arms of the House and such deputy officers and other employees as provided in Chapter 3 of Title 2; and

(4) the Marshal of the Supreme Court and such deputy officers and other employees as provided in Section 14‑3‑135.

(B) The Sergeant at Arms of the Senate and the Sergeant at Arms of the House, and their deputy officers shall have exclusive care and charge over those areas of the State House described in Section 2‑3‑100, and shall have primary care and charge over those buildings on the capitol grounds where their respective members’ offices and committee meeting rooms are located, and shall have primary responsibility for providing security services for their respective members attending public meetings located outside the State House and the capitol grounds. At public meetings attended by their respective members, the Sergeant at Arms of the Senate and the Sergeant at Arms of the House, and their deputy officers shall be assisted by local law enforcement as needed.

(C) The Marshal of the Supreme Court and his deputy officers shall have primary responsibility over those areas specified in Section 14‑3‑135(A).

Section 2‑4‑40. (A) There is hereby established a committee to be known as the ‘Capitol Police Force Committee,’ consisting of three members of the Senate appointed by the President Pro Tempore, three members of the House of Representatives appointed by the Speaker, and three members appointed by the Chief Justice of the Supreme Court of South Carolina. The Director of General Services shall serve as a non‑voting ex officio member of the committee.

(B) The Capitol Police Force Committee shall:

(1) appoint a Chief of the Capitol Police Force who shall serve at the pleasure of the committee and may be removed from office by the committee at its discretion;

(2) review and approve rules and regulations promulgated by the Chief of the Capitol Police Force;

(3) establish the salaries of the Chief, deputy officers or other police officers, and all employees of the Capitol Police Force, subject to appropriations being provided in the annual appropriations act;

(4) adopt reasonable rules and regulations with respect to the security issues involving the parking of automobiles in all parking lots and garages on or around the capitol grounds as defined in Section 10‑11‑80(B), and the Supreme Court Building including its grounds and parking lot; and

(5) adopt a reasonable review process for all officers and employees of the Capitol Police Force aggrieved of any adverse employment action.

Section 2‑4‑50. (A) The Chief of the Capitol Police Force shall:

(A) adopt rules and regulations necessary to organize and provide for the operation of the Capitol Police Force, subject to review and approval by the Capitol Police Force Committee;

(B) employ such deputy officers and other employees as may be necessary to carry out the provisions of this chapter; and

(C) apply for and accept, with the approval of the Capitol Police Force Committee, any grants or other available forms of revenue, both public and private, that will assist in funding the provision of security services on the capitol grounds and the Supreme Court building including its grounds and parking lot.

Section 2‑4‑60. (A) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall have the same arrest power and power to serve criminal processes against offenders as officers of the South Carolina Law Enforcement Division and also the same power as such officers to arrest without warrants and to detain persons found violating or attempting to violate any laws of the State. The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall also have the same power and authority held by officers of the South Carolina Law Enforcement Division for the enforcement of the criminal laws of the State.

(B) The Chief of the Capitol Police Force is authorized to enter into written agreements between other law enforcement jurisdictions for the purpose of criminal investigations pursuant to Section 23‑1‑215.

(C) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, and the Marshal of the Supreme Court are required to furnish evidence to the Capitol Police Force Committee that they are knowledgeable as to the duties and responsibilities of a law enforcement officer or are required to undergo training in this field as is required of officers of the South Carolina Law Enforcement Division. All deputy officers are required to furnish evidence to the Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, or the Marshal of the Supreme Court that they are knowledgeable as to the duties and responsibilities of a law enforcement officer or are required to undergo training in this field as is required of officers of the South Carolina Law Enforcement Division.

(D) The Chief of the South Carolina Law Enforcement Division, or his designee, shall provide annual training to the Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, and the Marshal of the Supreme Court, and their deputy officers.

(E) The Chief of the Capitol Police force shall request assistance in providing security services at the State House and capitol grounds for special events and at any time when, in the discretion of the Chief of the Capitol Police Force, it is required. The Director of the Department of Public Safety, the Chief of the South Carolina Law Enforcement Division, the Chief of the City of Columbia Police, and any other law enforcement agency, must provide assistance when requested by the Chief of the Capitol Police.

(F) The Chief of the Capitol Police force shall coordinate criminal investigations conducted on the capitol grounds with the South Carolina Law Enforcement Division, and shall request its assistance with criminal investigations, when, in the discretion of the Chief of the Capitol Police Force, it is appropriate. The Chief of the South Carolina Law Enforcement Division must provide assistance in criminal investigations when requested by the Chief of the Capitol Police Force.

Section 2‑4‑70. (A) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall:

(1) protect persons and property at the State House and capitol grounds, in all state buildings and parking lots and garages on or around the capitol grounds, as defined in Section 10‑11‑310, and in the Supreme Court Building including its grounds and parking lot;

(2) preserve and maintain proper order and decorum;

(3) prevent unlawful assemblies and disorderly conduct;

(4) enforce the laws pertaining to trespass and other offenses provided for in Chapter 11 of Title 10;

(5) provide security services for all persons and property involved in the operation and parking of motor vehicles in state parking lots and garages on or around the capitol grounds and at the Supreme Court Building parking lot; and

(6) enforce the laws of the State of South Carolina and arrest, with or without warrant, any person upon or in the areas described in this section who is or is reasonably believed to be committing an offense against any laws of the State of South Carolina, and to deliver the person to any court of competent jurisdiction to be dealt with according to the law.

(B) The Chief of the Capitol Police Force and his deputy officers shall have primary care and charge over those areas of the State House, the capitol grounds, and the Supreme Court parking lot not reserved to the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, or to the Marshal of the Supreme Court, pursuant to Section 2‑4‑30. Additionally, the Chief of the Capitol Police Force and his deputy officers shall have authority to patrol and respond to security or law enforcement related matters in any area located within a one block radius beyond the capitol grounds, as defined in Section 2-4-80.

Section 2-4-80. For purposes of this section, ‘capitol grounds’ shall means that area inward from the vehicular traveled surfaces of Gervais, Sumter, Pendleton, and Assembly Streets in the city of Columbia. It shall also include the Supreme Court Building including its grounds and parking lot, and the sidewalks bordering that area.”

SECTION 2. Section 10‑1‑30 of the 1976 Code is amended to read:

“Section 10‑1‑30. (A) The Director of the Division of General Services of the State Budget and Control Board may authorize the use of the State House lobbies~~,~~ in accordance with the rules and regulations of the Capitol Police Force Committee. The Director of the Division of General Services may authorize the use of the State House steps and grounds, and other public buildings and grounds in accordance with regulations promulgated by the board.

(B) The director shall obtain the approval of the Clerk of the Senate before authorizing any use of the Gressette Building and shall obtain the approval of the Clerk of the House of Representatives before authorizing any use of the Blatt Building.

(C) The regulations must contain provisions to insure that the public health, safety, and welfare will be protected in the use of the areas including reasonable time, place, and manner restrictions and application periods before use. If sufficient measures cannot be taken to protect the public health, safety, and welfare, the director shall deny the requested use. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas.

(D) The Capitol Police Force shall provide security services for all uses of the State House lobbies, State House steps and grounds, and all public buildings and grounds on the capitol grounds, except as limited by Section 2‑4‑20. The director shall consult with the Chief of the Capitol Police Force regarding security issues prior to authorizing the use of or the placement of restrictions on the use of the State House lobbies, steps, or grounds, or public buildings and grounds on the capitol grounds.”

SECTION 3. Chapter 11 of Title 10 of the 1976 Code is amended to read:

“Chapter 11

Trespasses and Offenses

Section 10‑11‑10. It shall be unlawful for any person, without the permission of the State Budget and Control Board or a member of that Board, to enter upon or walk upon the roof of the State House. Any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days ~~on the public works of Richland County~~ for each offense.

Section 10‑11‑20. It shall be unlawful to use the State House or capitol grounds for any purpose not authorized by law. Any violation of the provisions of this section shall be punishable by imprisonment for a period not exceeding thirty days or by a fine of not over one hundred dollars.

Section 10‑11‑30. It shall be unlawful for any person to trespass upon the grass plots or flower beds of the capitol grounds of the State House or of the Governor’s mansion, or of the grounds surrounding any of the State office buildings located in the area bounded by Assembly, Gervais, Bull, and Pendleton Streets in the city of Columbia, to damage or deface any of the buildings, or to cut down, deface, mutilate or otherwise injure any of the statues, trees, shrubs, grasses or flowers on the grounds or commit any other trespass upon any property of the State, real or personal, located thereon.

Section 10‑11‑40. It shall be unlawful for any person, except State officers and employees and persons having lawful business ~~in the buildings~~ on the capitol grounds, to use any of the driveways, alleys, or parking spaces upon any of the property of the State~~, bounded by Assembly, Gervais, Bull and Pendleton Streets in the city of Columbia~~ within the capitol grounds, upon any regular weekday, Saturdays and holidays excepted, between the hours of eight‑thirty A. M. and five‑thirty P. M., whenever the buildings are open for business.

Section 10‑11‑50. It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10‑11‑40 and subsection ~~(2)~~ (B) of Section 10‑11‑80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the State Budget and Control Board, in cooperation with the Department of Transportation and the Capitol Police Force, or to block or impede traffic through the alleys and driveways.

Section 10‑11‑60. It shall be unlawful to operate a motor vehicle on any of the property described in Section 10‑11‑40 and subsection ~~(2)~~ (B) of Section 10‑11‑80 at a speed in excess of ten miles per hour. All of the State laws regulating traffic upon the highways and streets shall apply to the operation of motor vehicles within the area, except as modified hereby.

Section 10‑11‑70. All of the general criminal laws of the State are hereby declared to be in full force and effect within the area described in Sections 10‑11‑30 and 10‑11‑40 and subsection ~~(2)~~ (B) of Section 10‑11‑80.

Section 10‑11‑80. ~~(1)~~ (A) Except as provided in subsection (B) of this section, ~~P~~parking lots which are situated on the property of the State shall be reserved for the employees of the State. The parking lots referred to by this section shall be policed by the Department of Public Safety and no person not authorized by this section shall be allowed to occupy such parking lots. Parking lots referred to in this section are confined to those located in the City of Columbia.

~~(2)~~(B) The parking lots ~~located on the corner of Main and Senate Streets shall be reserved exclusively for members of the General Assembly, the clerks, chaplains, sergeants at arms, reading clerks of both houses and the Code Commissioner during such time as the legislature is in session, after which it shall be reserved as other state parking lots.~~ located upon, around or under any of the property of the State bounded by Assembly, Gervais, Sumter, and Pendleton streets in the city of Columbia, and the Supreme Court Building parking lot shall be policed by the Capitol Police Force, and no person not authorized by this section shall be allowed to occupy such parking lots. The use of ~~this~~ these lots by unauthorized persons shall constitute a misdemeanor, punishable as provided for in Section 10‑11‑120.

~~Section 10‑11‑90~~**~~.~~** ~~The watchmen and policemen employed by the Budget and Control Board for the protection of the property described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80 are hereby vested with all of the powers, privileges and immunities of constables while on this area or in fresh pursuit of those violating the law in this area, provided that such watchmen and policemen take and file the oath required of peace officers, execute and file bond in the form required of State constables, in the amount of one thousand dollars, with the Budget and Control Board, and be duly commissioned by the Governor.~~

Section 10‑11‑100. ~~In addition to the enforcement of Sections 10‑11‑30 to 10‑11‑70 and subsection (2) of Section 10‑11‑80 by the watchmen mentioned in Section 10‑11‑90, all~~ All lawful highway patrolmen and police officers of the city of Columbia may enforce the criminal laws of this State and the provisions of such sections and subsection within the area described in Sections 10‑11‑30 and 10‑11‑40 and subsection ~~(2)~~ (B) of Section 10‑11‑80.

Section 10‑11‑110. In connection with traffic and parking violations only, ~~the watchmen and policemen referred to in Section 10‑11‑90~~ the Capitol Police Force, State highway patrolmen and policemen of the city of Columbia shall have the right to issue and use parking tickets of the type used by the city of Columbia, with such changes as are necessitated hereby, to be prepared and furnished by the Budget and Control Board, upon the issuance of which the procedures shall be followed as prevail in connection with the use of parking tickets by the city of Columbia. Nothing herein shall restrict the application and use of regular arrest warrants.

Section 10‑11‑120. The violation of any of the provisions of Sections 10‑11‑40 to 10‑11‑60 and subsection ~~(2)~~ (B) of Section 10‑11‑80 shall constitute a misdemeanor and, upon conviction thereof, the offender shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. The penalties for violation of any of the other criminal laws of the State shall be as provided for by law.

Section 10‑11‑130. The ~~recorder of the city of Columbia and the magistrate of the Columbia district are hereby separately~~ municipal judge and the Richland County Magistrate are vested with all jurisdiction necessary to hear, try, and determine criminal cases involving any violations of Sections 10‑11‑30 to 10‑11‑120 where the punishment does not exceed ~~a fine of one hundred dollars or imprisonment of thirty days~~ the jurisdictional limits of municipal court or magistrate’s court.

Section 10‑11‑140. Nothing contained in this article shall be construed to abridge the authority of the State Budget and Control Board to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.

~~Section 10‑11‑150.~~ ~~In order to preserve public safety and provide appropriate staging space in the areas adjacent to the Capitol complex during the period of the State House Renovation Project, notwithstanding any provision of law or ordinance to the contrary, the Department of Transportation is empowered and directed to take appropriate steps regarding traffic routing and flow and pedestrian access in the area around the Capitol Complex as directed by the committee established by Section 2 of an act of 1995 bearing ratification no. 62.~~

Section 10‑11‑310. As used in this article, ‘capitol grounds’ shall be that area inward from the vehicular traveled surfaces of Gervais, Sumter, ~~Senate~~ Pendleton, and Assembly Streets in the city of Columbia. It shall also include the Supreme Court Building including its grounds and parking lot, and the sidewalks bordering that area.

Section 10‑11‑315. It is unlawful for a person to wilfully and maliciously deface, vandalize, damage, or destroy or attempt to deface, vandalize, damage, or destroy any monument, flag, flag support, memorial, fence, or structure located on the capitol grounds, and a person convicted of a violation of this section shall be punished pursuant to the provisions of Section 10‑11‑360.

Section 10‑11‑320. (A) It is unlawful for any person or group of persons to:

(1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or

(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the ~~capitol building~~ State House.

(B) This section does not apply to a person who possesses a concealable weapons’ permit pursuant to Article 4, Chapter 31, Title 23 and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person’s vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds, except for those persons named in Section 23-31-240 who may carry concealable weapons anywhere within the State when carrying out the duties of their office, if they possess a valid permit.

Section 10‑11‑325. (A) It is unlawful for a person knowingly to possess, have readily accessible to the person, or transport by any means upon the capitol grounds or within the ~~capitol building~~ State House any explosive, destructive device, or incendiary device. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not less than two years nor more than fifteen years.

(B) It is unlawful for a person intentionally to detonate an explosive or destructive device or ignite any incendiary device upon the capitol grounds or within the ~~capitol building~~ State House. A person who violates this subsection is guilty of a felony and, upon conviction:

(1) in cases resulting in the death of another person where there was malice aforethought, must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years;

(2) in cases resulting in the death of another person where there was no~~t~~ malice aforethought, must be imprisoned not less than two years nor more than thirty years;

(3) in cases resulting in injury to a person, must be imprisoned for not less than ten years nor more than twenty‑five years;

(4) in cases resulting in damage to a building or other real or personal property, must be imprisoned for not less than two years nor more than twenty‑five years.

Section 10‑11‑330. It shall be unlawful for any person or group of persons willfully and knowingly: (a) to enter or to remain within the ~~capitol building~~ State House unless such person is authorized by law or by rules of the House or Senate, ~~or of~~ the State Budget and Control Board, or the Capitol Police Force, when such entry is done for the purpose of uttering loud, threatening and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; (b) to obstruct or to impede passage within the capitol grounds or ~~building~~ State House; (c) to engage in any act of physical violence upon the capitol grounds or within the ~~capitol building~~ State House; or (d) to parade, demonstrate or picket within the ~~capitol building~~ State House.

Section 10‑11‑340. Nothing contained in this article prohibits any officer or employee or persons otherwise authorized and required to perform duties within the ~~capitol building~~ State House from performing their normal duties, including the carrying of firearms, except as may be limited by the rules of either House within their respective chambers.

Section 10‑11‑350. Nothing contained in this article shall prohibit the normal, peaceful entry of the general public upon the capitol grounds or within the ~~capitol building~~ State House, subject only to laws or rules governing that portion of the capitol grounds which may be entered and the hours during which the ~~capitol building~~ State House shall be open.

Section 10‑11‑360. A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both. The penalties provided for in this section do not apply to Section 10‑11‑325.”

SECTION 4. Chapter 3 of Title 14 is amended by adding:

“Section 14‑3‑135. (A) The Supreme Court shall appoint a Marshal of the Supreme Court who, under the supervision and direction of the Clerk of the Supreme Court, shall have primary responsibility over the Supreme Court Building including its grounds and parking lot, and the Calhoun Building on the capitol grounds. The Marshal shall be held responsible for providing security services at the Supreme Court Building including its grounds and parking lot and the Calhoun Building, and shall be held responsible for their keeping and the keeping and protection of the furniture and furnishings belonging to them. Additionally, the Marshal shall provide security services at other locations where the Supreme Court or Court of Appeals may hold court or attend meetings, and shall be assisted by local law enforcement as needed.

(B) The Marshal shall employ such deputies and other employees as may be necessary to carry out the provisions of this subsection.

(C) The duties of the Marshal and his deputies are:

(1) the security of personnel and property of the Supreme Court Building including its grounds and parking lot, the Calhoun Building, and at such other locations where the Supreme Court or Court of Appeals may hold court;

(2) as provided by law; and

(3) as designated by the Supreme Court.

(D) The Marshal and his deputies shall meet and escort visitors as necessary about the Supreme Court Building or the Calhoun Building.”

SECTION 5. (A) The provisions of this act take effect upon approval by the Governor.

(B) Where the provisions of this act transfer particular entities, sections, divisions, or portions thereof of one state agency (transferring agency) to another state agency or entity (receiving agency), the employees and positions, authorized appropriations, and real and personal property of the transferring agency are also transferred to and become part of the receiving agency unless otherwise specifically provided. All classified or unclassified personnel of the transferring agency shall become employees of the receiving agency, with the same compensation, classification, and grade level, as applicable, unless an employee being transferred is offered and accepts a position with the transferring agency that is not being transferred under this act. The Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer and shall, after consultation with the agency heads of the transferring and receiving agencies, prescribe the manner in which the transfer provided for in this section shall be accomplished. The agency heads of the transferring and receiving agencies shall cooperate fully.

(C) Employees or personnel of the transferring agency transferred to or made a part of the receiving agency shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency until otherwise provided by the General Assembly. The records and files of the transferring agency shall remain the property of the transferring agency, except that the transferred personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(D) All remaining costs necessary for the implementation and operation of the Capitol Police Force shall be provided for by the General Assembly in the annual appropriations act, however, for fiscal year 2008‑2009, the Budget and Control Board shall provide all funds necessary to implement the provisions of this act.

SECTION 6. If any section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, item, subitem, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, items, subitems, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective. /

Renumber sections to conform.

Amend title to conform.

GERALD MALLOY for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

See Below

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

Department of Public Safety

This bill would result in the transfer of 20.00 FTE positions to the Capitol Police Force. Annual salary and fringe benefits, comprised of state and other funds, for these positions total $1,078,039. Operating expenses for these staff total $21,687 annually. Other funds revenue derived from detective fees would be transferred to cover a portion of these costs. Equipment related to the transfer would include vehicles, uniforms and associated equipment, X-Ray machines and a metal detection system. Minimal incidental costs associated with signage and converting exterior identification decals for the Capital Police Force can be expected.

State Budget and Control Board

The bill should have no impact on the State Budget and Control Board assuming sufficient funding and resources are transferred to the Capitol Police Force to cover expenses for the remainder of FY 2008-09 (see Section 5 of the bill).

The Senate and House of Representatives

This bill would have no impact on the Senate or House assuming sufficient funding and resources are transferred and appropriated to cover expenses associated with operating a Capitol Police Force.

Judicial Department

*The Judicial Departmemt indicates that enactment of the bill will have no impact on the General Fund of the State, nor on federal and/or other funds.*

**SPECIAL NOTES:**

*The italicized portion of this impact indicates the items that have been revised. For this impact, the revised constitutes information that was not available in the original impact.*

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 4 TO TITLE 2, SO AS TO ESTABLISH THE CAPITOL POLICE FORCE, WHICH SHALL CONSIST OF THE CAPITOL POLICE FORCE, THE SERGEANT AT ARMS OF THE SENATE, THE SERGEANT AT ARMS OF THE HOUSE, AND THE MARSHAL OF THE SUPREME COURT; TO PROVIDE THAT THE FUNCTIONS, POWERS, DUTIES AND RESPONSIBILITIES EXERCISED BY THE DEPARTMENT OF PUBLIC SAFETY AND THE BUREAU OF PUBLIC SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, INCLUDING ALL CLASSIFIED AND UNCLASSIFIED EMPLOYEES WHOSE DUTIES INVOLVE THE PROVISION OF SECURITY SERVICES AT THE STATE HOUSE AND CAPITOL GROUNDS AND THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT, BUT EXCLUDING THOSE AREAS OF THE STATE HOUSE THAT ARE RESERVED FOR THE EXECUTIVE CHAMBER AND THE GOVERNOR’S STAFF, BE DEVOLVED AND TRANSFERRED TO THE CAPITOL POLICE FORCE; TO PROVIDE THAT THE SERGEANT AT ARMS OF THE SENATE AND THE SERGEANT AT ARMS OF THE HOUSE SHALL HAVE EXCLUSIVE CARE AND CHARGE OVER THOSE AREAS DESCRIBED IN SECTION 2-3-100, AND TO PROVIDE THAT THE MARSHAL OF THE SUPREME COURT SHALL HAVE PRIMARY RESPONSIBILITY OVER THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT AND THE CALHOUN BUILDING; TO PROVIDE FOR THE CREATION OF THE CAPITOL POLICE FORCE COMMITTEE, CONSISTING OF THREE MEMBERS OF THE SENATE APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE, THREE MEMBERS OF THE HOUSE APPOINTED BY THE SPEAKER, AND THREE MEMBERS APPOINTED BY THE CHIEF JUSTICE OF THE SUPREME COURT OF SOUTH CAROLINA, AND TO PROVIDE THAT THE DIRECTOR OF GENERAL SERVICES SHALL SERVE AS A NON-VOTING EX OFFICIO MEMBER, TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE COMMITTEE; TO PERMIT THE CHIEF OF THE CAPITOL POLICE FORCE TO EMPLOY SUCH DEPUTY OFFICERS AND OTHER EMPLOYEES AS NECESSARY; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND ALL THEIR DEPUTIES SHALL HAVE THE SAME POLICE POWERS AS SHERIFFS AND DEPUTY SHERIFFS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE MAY ENTER INTO RECIPROCAL LAW ENFORCEMENT AGREEMENTS; TO PROVIDE THAT THE CHIEF OF THE CAPITOL POLICE FORCE, THE SERGEANTS AT ARMS OF THE SENATE AND HOUSE, THE MARSHAL OF THE SUPREME COURT, AND THEIR DEPUTIES MUST DEMONSTRATE KNOWLEDGE OF THE DUTIES OF LAW ENFORCEMENT OFFICERS OR UNDERGO TRAINING REQUIRED OF OFFICERS OF THE SOUTH CAROLINA STATE POLICE; AND TO PROVIDE FOR THE DUTIES OF THE CAPITOL POLICE FORCE OFFICERS; TO AMEND SECTION 10-1-30 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE THAT THE CAPITOL POLICE FORCE SHALL PROVIDE SECURITY SERVICES FOR ALL USES OF THE STATE HOUSE LOBBIES, STATE HOUSE STEPS AND GROUNDS, AND ALL PUBLIC BUILDINGS AND GROUNDS ON THE CAPITOL GROUNDS; TO AMEND CHAPTER 11 OF TITLE 10 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO PROVIDE THAT THE PARKING LOTS ON THE CAPITOL GROUNDS AND AT THE SUPREME COURT BUILDING SHALL BE POLICED BY THE CAPITOL POLICE FORCE; TO DELETE SECTION 10-11-90, RELATING TO NIGHT WATCHMEN AND POLICEMEN EMPLOYED BY THE BUDGET AND CONTROL BOARD, TO AMEND SECTIONS 10-11-90 AND 10-11-100, RELATING TO NIGHT WATCHMEN; TO AMEND SECTION 10-11-110, RELATING TO TRAFFIC AND PARKING, TO PROVIDE THAT THE CAPITOL POLICE FORCE HAS THE RIGHT TO ISSUE PARKING TICKETS; TO AMEND SECTION 10-11-130, REMOVING REFERENCES TO THE CITY OF COLUMBIA RECORDER AND VESTING JURISDICTION IN CRIMINAL MATTERS IN MAGISTRATE’S COURT; TO DELETE SECTION 10-11-150, RELATING TO THE STATE HOUSE RENOVATION PROJECT; AND TO AMEND SECTION 10-11-310, RELATING TO THE DEFINITION OF CAPITOL GROUNDS; TO INCLUDE THE SUPREME COURT BUILDING INCLUDING ITS GROUNDS AND PARKING LOT; AND TO ADD SECTION 14-3-135 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY CREATING THE MARSHAL OF THE SUPREME COURT AND TO DEFINE HIS DUTIES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 2 of the 1976 Code is amended by adding:

“CHAPTER 4

Capitol Police Force

Section 2‑4‑10. (A) In order to provide adequate police protection for the State House, the capitol grounds, and the Supreme Court Building including its grounds and parking lot, there is hereby established the Capitol Police Force.

(B) The Capitol Police Force shall consist of the following:

(1) The Capitol Police Force as described in this chapter;

(2) The Sergeant at Arms of the Senate as described in Chapter 3 of Title 2;

(3) The Sergeant at Arms of the House as described in Chapter 3 of Title 2; and

(4) The Marshal of the Supreme Court, as described in Section 14‑3‑135.

Section 2‑4‑20. The functions, powers, duties, responsibilities, and authority exercised by the Department of Public Safety and the Bureau of Protective Services at the State House and capitol grounds, in all state buildings and parking lots and garages on or around the capitol grounds, as defined in Section 10‑11‑310, and the Supreme Court Building including its grounds and parking lot, including all classified and unclassified positions currently held by Department of Public Safety and the Bureau of Protective Services employees whose duties involve the provision of security services at the State House and capitol grounds, and in all state buildings and parking lots and garages on or around the capitol grounds, and the Supreme Court Building including its grounds and parking lot, and all real and personal property used in the provision of such security services, are transferred to and devolved on the Capitol Police Force. This transfer excludes those powers, duties, responsibilities, and authority related to the provision of security for the Governor, the Governor’s staff, and that part of the State House reserved for the executive chamber and the offices of the Governor’s staff.

Section 2‑4‑30. (A) The Capitol Police Force shall consist of:

(1) The Chief of the Capitol Police Force and such deputy officers and other employees as he may employ pursuant to this chapter;

(2) The Sergeant at Arms of the Senate and such deputy officers and other employees as provided in Chapter 3 of Title 2; (3) The Sergeant at Arms of the House and such deputy officers and other employees as provided in Chapter 3 of Title 2; and

(4) The Marshal of the Supreme Court and such deputy officers and other employees as provided in Section 14‑3‑135.

(B) The Sergeant at Arms of the Senate and the Sergeant at Arms of the House, and their deputy officers shall have exclusive care and charge over those areas of the State House described in Section 2‑3‑100, and shall have primary care and charge over those buildings on the capitol grounds where their respective members’ offices and committee meeting rooms are located.

(C) The Marshal of the Supreme Court and his deputy officers shall have primary responsibility over those areas specified in Section 14-3-135(A).

Section 2‑4‑40. (A) There is hereby established a committee to be known as the ‘Capitol Police Force Committee,’ consisting of three members of the Senate appointed by the President Pro Tempore, three members of the House of Representatives appointed by the Speaker, and three members appointed by the Chief Justice of the Supreme Court of South Carolina. The Director of General Services shall serve as a non‑voting ex officio member of the committee.

(B) The Capitol Police Force Committee shall:

(1) Appoint a Chief of the Capitol Police Force;

(2) Promulgate rules and regulations necessary to organize and provide for the operation of the Capitol Police Force;

(3) Establish the salaries of the Chief, deputy officers or other police officers, and all employees of the Capitol Police Force, subject to appropriations being provided in the annual appropriations act;

(4) Adopt reasonable rules and regulations with respect to the security issues involving the parking of automobiles in all parking lots and garages on or around the capitol grounds as defined in Section 10‑11‑80(B), and the Supreme Court Building including its grounds and parking lot.

Section 2‑4‑50. The Chief of the Capitol Police Force shall employ such deputy officers and other employees as may be necessary to carry out the provisions of this chapter.

Section 2‑4‑60. (A) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall have the same power to serve criminal processes against offenders as sheriffs of the various counties and also the same power as such sheriffs to arrest without warrants and to detain persons found violating or attempting to violate any laws of the State. The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall also have the same power and authority held by deputy sheriffs for the enforcement of the criminal laws of the State.

(B) The Chief of the Capitol Police Force is authorized to enter into written agreements between other law enforcement jurisdictions for the purpose of criminal investigations pursuant to Section 23‑1‑215.

(C) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers are required to furnish evidence that they are knowledgeable as to the duties and responsibilities of a law enforcement officer or are required to undergo training in this field as is required of officers of the South Carolina State Police Division.

Section 2‑4‑70. (A) The Chief of the Capitol Police Force, the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, the Marshal of the Supreme Court, and their deputy officers shall:

(1) Protect persons and property at the State House and capitol grounds, in all state buildings and parking lots and garages on or around the capitol grounds, as defined in Section 10‑11‑310, and in the Supreme Court Building including its grounds and parking lot;

(2) Preserve and maintain proper order and decorum;

(3) Prevent unlawful assemblies and disorderly conduct;

(4) Enforce the laws pertaining to trespass and other offenses provided for in Chapter 11 of Title 10;

(5) Provide security services for all persons and property involved in the operation and parking of motor vehicles in state parking lots and garages on or around the capitol grounds and at the Supreme Court Building parking lot; and

(6) Enforce the laws of the State of South Carolina and arrest, with or without warrant, any person upon or in the areas described in this section who is or is reasonably believed to be committing an offense against any laws of the State of South Carolina or against the ordinances of the City of Columbia, and to deliver the person for any court of competent jurisdiction to be dealt with according to the law.

(B) The Chief of the Capitol Police Force and his deputy officers shall have primary care and charge over those areas of the State House, the capitol grounds, and the Supreme Court parking lot not reserved to the Sergeant at Arms of the Senate, the Sergeant at Arms of the House, or to the Marshal of the Supreme Court, pursuant to Section 2‑4‑30.”

SECTION 2. Section 10‑1‑30 of the 1976 Code is amended to read:

“Section 10‑1‑30. (A) The Director of the Division of General Services of the State Budget and Control Board may authorize the use of the State House lobbies, the State House steps and grounds, and other public buildings and grounds in accordance with regulations promulgated by the board.

(B) The director shall obtain the approval of the Clerk of the Senate before authorizing any use of the Gressette Building and shall obtain the approval of the Clerk of the House of Representatives before authorizing any use of the Blatt Building.

(C) The regulations must contain provisions to insure that the public health, safety, and welfare will be protected in the use of the areas including reasonable time, place, and manner restrictions and application periods before use. If sufficient measures cannot be taken to protect the public health, safety, and welfare, the director shall deny the requested use. Other restrictions may be imposed on the use of the areas as are necessary for the conduct of business in those areas and the maintenance of the dignity, decorum, and aesthetics of the areas.

(D) The Capitol Police Force shall provide security services for all uses of the State House lobbies, State House steps and grounds, and all public buildings and grounds on the capitol grounds, except as limited by Section 2‑4‑20. The director shall consult with the Chief of the Capitol Police Force regarding security issues prior to authorizing the use of or the placement of restrictions on the use of the State House lobbies, steps, or grounds, or public buildings and grounds on the capitol grounds.”

SECTION 3. Chapter 11 of Title 10 of the 1976 Code is amended to read:

“Chapter 11

Trespasses and Offenses

Section 10‑11‑10. It shall be unlawful for any person, without the permission of the State Budget and Control Board or a member of that Board, to enter upon or walk upon the roof of the State House. Any person violating the provisions of this section shall be punished by a fine of not more than one hundred dollars or imprisoned for not more than thirty days on the public works of Richland County for each offense.

Section 10‑11‑20. It shall be unlawful to use the State House or grounds for any purpose not authorized by law. Any violation of the provisions of this section shall be punishable by imprisonment for a period not exceeding thirty days or by a fine of not over one hundred dollars.

Section 10‑11‑30. It shall be unlawful for any person to trespass upon the grass plots or flower beds of the grounds of the State House or the Governor’s mansion, or of the grounds surrounding any of the State office buildings located in the area bounded by Assembly, Gervais, Bull, and Pendleton Streets in the city of Columbia, to damage or deface any of the buildings, or to cut down, deface, mutilate or otherwise injure any of the statues, trees, shrubs, grasses or flowers on the grounds or commit any other trespass upon any property of the State, real or personal, located thereon.

Section 10‑11‑40. It shall be unlawful for any person, except State officers and employees and persons having lawful business in the buildings, to use any of the driveways, alleys, or parking spaces upon any of the property of the State, bounded by Assembly, Gervais, Bull and Pendleton Streets in the city of Columbia, upon any regular weekday, Saturdays and holidays excepted, between the hours of eight‑thirty A. M. and five‑thirty P. M., whenever the buildings are open for business.

Section 10‑11‑50. It shall be unlawful for anyone to park any vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 except in the spaces and manner now marked and designated or that may hereafter be marked and designated by the State Budget and Control Board, in cooperation with the Department of Transportation, or to block or impede traffic through the alleys and driveways.

Section 10‑11‑60. It shall be unlawful to operate a motor vehicle on any of the property described in Section 10‑11‑40 and subsection (2) of Section 10‑11‑80 at a speed in excess of ten miles per hour. All of the State laws regulating traffic upon the highways and streets shall apply to the operation of motor vehicles within the area, except as modified hereby.

Section 10‑11‑70. All of the general criminal laws of the State are hereby declared to be in full force and effect within the area described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80.

Section 10‑11‑80. ~~(1)~~ (A) Except as provided in subsection (B) of this section, ~~P~~parking lots which are situated on the property of the State shall be reserved for the employees of the State. The parking lots referred to by this section shall be policed by the Department of Public Safety and no person not authorized by this section shall be allowed to occupy such parking lots. Parking lots referred to in this section are confined to those located in the City of Columbia.

~~(2)~~ (B) The parking lots ~~located on the corner of Main and Senate Streets shall be reserved exclusively for members of the General Assembly, the clerks, chaplains, sergeants at arms, reading clerks of both houses and the Code Commissioner during such time as the legislature is in session, after which it shall be reserved as other state parking lots.~~ located upon, around or under any of the property of the State bounded by Assembly, Gervais, Sumter, and Pendleton streets in the city of Columbia, and the Supreme Court Building parking lot shall be policed by the Capitol Police Force, and no person not authorized by this section shall be allowed to occupy such parking lots. The use of ~~this~~ these lots by unauthorized persons shall constitute a misdemeanor, punishable as provided for in Section 10‑11‑120.

~~Section 10‑11‑90. The watchmen and policemen employed by the Budget and Control Board for the protection of the property described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80 are hereby vested with all of the powers, privileges and immunities of constables while on this area or in fresh pursuit of those violating the law in this area, provided that such watchmen and policemen take and file the oath required of peace officers, execute and file bond in the form required of State constables, in the amount of one thousand dollars, with the Budget and Control Board, and be duly commissioned by the Governor.~~

Section 10‑11‑100. ~~In addition to the enforcement of Sections 10‑11‑30 to 10‑11‑70 and subsection (2) of Section 10‑11‑80 by the watchmen mentioned in Section 10‑11‑90, all~~ All lawful highway patrolmen and police officers of the city of Columbia may enforce the criminal laws of this State and the provisions of such sections and subsection within the area described in Sections 10‑11‑30 and 10‑11‑40 and subsection (2) of Section 10‑11‑80.

Section 10‑11‑110. In connection with traffic and parking violations only, ~~the watchmen and policemen referred to in Section 10‑11‑90~~ the Capitol Police Force, State highway patrolmen and policemen of the city of Columbia shall have the right to issue and use parking tickets of the type used by the city of Columbia, with such changes as are necessitated hereby, to be prepared and furnished by the Budget and Control Board, upon the issuance of which the procedures shall be followed as prevail in connection with the use of parking tickets by the city of Columbia. Nothing herein shall restrict the application and use of regular arrest warrants.

Section 10‑11‑120. The violation of any of the provisions of Sections 10‑11‑40 to 10‑11‑60 and subsection (2) of Section 10‑11‑80 shall constitute a misdemeanor and, upon conviction thereof, the offender shall be punished by a fine of not more than one hundred dollars or imprisonment for not more than thirty days. The penalties for violation of any of the other criminal laws of the State shall be as provided for by law.

Section 10‑11‑130. The ~~recorder of the city of Columbia and the~~ magistrate of the Columbia district ~~are hereby separately~~ is vested with all jurisdiction necessary to hear, try, and determine criminal cases involving any violations of Sections 10‑11‑30 to 10‑11‑120 where the punishment does not exceed ~~a fine of one hundred dollars or imprisonment of thirty days~~ the jurisdictional limits of magistrate’s court.

Section 10‑11‑140. Nothing contained in this article shall be construed to abridge the authority of the State Budget and Control Board to grant permission to use the State House grounds for educational, electrical decorations, and similar purposes.

~~Section 10‑11‑150. In order to preserve public safety and provide appropriate staging space in the areas adjacent to the Capitol complex during the period of the State House Renovation Project, notwithstanding any provision of law or ordinance to the contrary, the Department of Transportation is empowered and directed to take appropriate steps regarding traffic routing and flow and pedestrian access in the area around the Capitol Complex as directed by the committee established by Section 2 of an act of 1995 bearing ratification no. 62.~~

Section 10‑11‑310. As used in this article, ‘capitol grounds’ shall be that area inward from the vehicular traveled surfaces of Gervais, Sumter, ~~Senate~~ Pendleton and Assembly Streets in the city of Columbia. It shall also include the Supreme Court Building including its grounds and parking lot, and the sidewalks bordering that area.

Section 10‑11‑315. It is unlawful for a person to wilfully and maliciously deface, vandalize, damage, or destroy or attempt to deface, vandalize, damage, or destroy any monument, flag, flag support, memorial, fence, or structure located on the capitol grounds, and a person convicted of a violation of this section shall be punished pursuant to the provisions of Section 10‑11‑360.

Section 10‑11‑320. (A) It is unlawful for any person or group of persons to:

(1) carry or have readily accessible to the person upon the capitol grounds or within the capitol building any firearm or dangerous weapon; or

(2) discharge any firearm or to use any dangerous weapon upon the capitol grounds or within the capitol building.

(B) This section does not apply to a person who possesses a concealable weapons’ permit pursuant to Article 4, Chapter 31, Title 23 and is authorized to park on the capitol grounds or in the parking garage below the capitol grounds. The firearm must remain locked in the person’s vehicle while on or below the capitol grounds and must be stored in a place in the vehicle that is not readily accessible to any person upon entry to or below the capitol grounds.

Section 10‑11‑325. (A) It is unlawful for a person knowingly to possess, have readily accessible to the person, or transport by any means upon the capitol grounds or within the capitol building any explosive, destructive device, or incendiary device. A person who violates this subsection is guilty of a felony and, upon conviction, must be imprisoned for not less than two years nor more than fifteen years.

(B) It is unlawful for a person intentionally to detonate an explosive or destructive device or ignite any incendiary device upon the capitol grounds or within the capitol building. A person who violates this subsection is guilty of a felony and, upon conviction:

(1) in cases resulting in the death of another person where there was malice aforethought, must be punished by death, by imprisonment for life, or by a mandatory minimum term of imprisonment for thirty years;

(2) in cases resulting in the death of another person where there was no~~t~~ malice aforethought, must be imprisoned not less than two years nor more than thirty years;

(3) in cases resulting in injury to a person, must be imprisoned for not less than ten years nor more than twenty‑five years;

(4) in cases resulting in damage to a building or other real or personal property, must be imprisoned for not less than two years nor more than twenty‑five years.

Section 10‑11‑330. It shall be unlawful for any person or group of persons willfully and knowingly: (a) to enter or to remain within the capitol building unless such person is authorized by law or by rules of the House or Senate or of the State Budget and Control Board when such entry is done for the purpose of uttering loud, threatening and abusive language or to engage in any disorderly or disruptive conduct with the intent to impede, disrupt or disturb the orderly conduct of any session of the legislature or the orderly conduct within the building or of any hearing before or any deliberation of any committee or subcommittee of the legislature; (b) to obstruct or to impede passage within the capitol grounds or building; (c) to engage in any act of physical violence upon the capitol grounds or within the capitol building; or (d) to parade, demonstrate or picket within the capitol building.

Section 10‑11‑340. Nothing contained in this article prohibits any officer or employee or persons otherwise authorized and required to perform duties within the capitol building from performing their normal duties, including the carrying of firearms, except as may be limited by the rules of either House within their respective chambers.

Section 10‑11‑350. Nothing contained in this article shall prohibit the normal, peaceful entry of the general public upon the grounds or within the capitol building, subject only to laws or rules governing that portion of the grounds which may be entered and the hours during which the capitol building shall be open.

Section 10‑11‑360. A person who violates the provisions of this article is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than three years, or both. The penalties provided for in this section do not apply to Section 10‑11‑325.”

SECTION 4. Chapter 3 of Title 14 is amended by adding:

“Section 14‑3‑135. (A) The Supreme Court or its designee shall appoint a Marshal of the Supreme Court who, under the supervision and direction of the Clerk of the Supreme Court, shall have primary responsibility over the Supreme Court Building including its grounds and parking lot, and the Calhoun Building on the capitol grounds. The Marshal shall be held responsible for providing security services at the Supreme Court Building including its grounds and parking lot and the Calhoun Building, and shall be held responsible for their keeping and the keeping and protection of the furniture and furnishings belonging to them. Additionally, the Marshal shall provide security at other locations where the Supreme Court or Court of Appeals may hold court, and shall be assisted by local law enforcement as needed.

(B) The Marshal shall employ such deputies and other employees as may be necessary to carry out the provisions of this subsection.

(C) The duties of the Marshal and his deputies are:

(1) the security of personnel and property of the Supreme Court Building including its grounds and parking lot, the Calhoun Building, and at such other locations where the Supreme Court or Court of Appeals may hold court;

(2) as provided by law; and

(3) as designated by the Supreme Court.

(D) The Marshal and his deputies shall meet and escort visitors as necessary about the Supreme Court Building or the Calhoun Building.”

SECTION 5. (A) The provisions of this act take effect upon approval by the Governor.

(B) Where the provisions of this act transfer particular entities, sections, divisions, or portions thereof of one state agency (transferring agency) to another state agency or entity (receiving agency), the employees, authorized appropriations, and real and personal property of the transferring agency are also transferred to and become part of the receiving agency unless otherwise specifically provided. All classified or unclassified personnel of the transferring agency shall become employees of the receiving department or division, with the same compensation, classification, and grade level, as applicable. The Budget and Control Board shall cause all necessary actions to be taken to accomplish this transfer and shall in consultation with the agency head of the transferring and receiving agencies prescribe the manner in which the transfer provided for in this section shall be accomplished. The board’s action in facilitating the provisions of this section are ministerial in nature and shall not be construed as an approval process over any of the transfers.

(C) Employees or personnel of the transferring agency transferred to or made a part of the receiving agency shall continue to occupy the same office locations and facilities which they now occupy unless or until otherwise changed by appropriate action and authorization. The rent and physical plant operating costs of these offices and facilities, if any, shall continue to be paid by the transferring agency until otherwise provided by the General Assembly. The records and files of the transferring agency shall remain the property of the transferring agency, except that the transferred personnel shall have complete access to these records and files in the performance of their duties as new employees of the receiving agency.

(D) All remaining costs necessary for the implementation and operation of the Capitol Police Force shall be provided for by the General Assembly in the annual appropriations act, however, for fiscal year 2008‑2009, the Budget and Control Board shall provide all funds necessary to implement the provisions of this act.

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