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BILL ANALYSIS



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Senate Bill 924 (as introduced 3-22-18)
Sponsor: Senator Mike Kowall
Committee: Government Operations

Date Completed: 6-28-18

CONTENT

The bill would amend the Private Security Business and Security Alarm Act to:

- **Include in the definition of "private security police" a licensee that is engaged by a legally organized entity to provide protection on its premises.**
- **Require private security police to be licensed under the Act.**
- **Extend the authority to make warrantless arrests to an officer of private security police officer engaged by a legally organized entity, as authorized for peace officers, if certain conditions were met.**

Under the Act, the Department of State Police is responsible for the regulation of private security police and private college security forces. "Private security police" means that part of a business organization or educational institution primarily responsible for the protection of property on the premises of the business organization or educational institution, but does not include a private college security force.

The bill would include in the definition a licensee that is engaged by a legally organized entity to provide protection on the premises of the entity. "Legally organized entity" would include, but not be limited to, an association, corporation, partnership, proprietorship, trust, foundation, not-for-profit, school district, federally recognized Indian tribe, or institution of higher education.

Currently, a person maintaining a private security police organization may voluntarily apply for licensure under the Act. The bill provides, instead, that any business organization or educational institution employing private security police officers could voluntarily apply for licensure.

The bill would require a private security police to obtain a license under the Act in order to provide protection of the premises of a legally organized entity that engaged it to provide that protection.

Currently, a private security police officer who is licensed under the Act has the authority to arrest an individual without a warrant as set forth for public peace officers in the Code of Criminal Procedure, if all of the following are met:

- The officer is on the premises of the licensee that employs the officer.

- The arrest is made during the officer's hours of employment as a private security police officer.
- The officer is in the full uniform of his or her employer at the time of the arrest.

Under the bill, an officer of a private security police engaged by a legally organized entity to provide protection on its premises would have the same authority to arrest an individual without a warrant, if all of the following conditions were met:

- The officer's employer was licensed as private security police.
- The arrest occurred on the premises of the legally organized entity that engaged the officer's employer to provide protection on those premises.
- The arrest was made during the hours the officer was assigned to work as a private security police officer on the premises of the legally organized entity.
- The officer was in the full uniform of his or her employer at the time of the arrest

(The Code of Criminal Procedure lists situations in which a peace officer has the authority to arrest a person without a warrant. These include the following, among others:

- A felony, misdemeanor, or ordinance violation is committed in the officer's presence.
- The person committed a felony although not in the officer's presence.
- A felony has been committed and the officer has reasonable cause to believe the person committed it.
- The officer has reasonable cause to believe a misdemeanor punishable by imprisonment for more than 92 days or a felony has been committed and reasonable cause to believe the person committed it.
- The officer has received positive information by written, telephonic, radio, electronic, or other authoritative source that another peace officer or a court holds a warrant for the person's arrest.
- The officer has reasonable cause to believe that the person is an escaped convict, has violated a condition of parole from a prison, or has violated a condition of a conditional release order or probation order.)

In other provisions that apply to private security police, the Act does the following:

- Establishes criteria for licensure, including that the applicant is at least 21 years old, has a high school education or the equivalent, and has not been convicted of a felony.
- Requires an officer to comply with training requirements established by the Department.
- Requires Department approval of the officer's uniform and insignia.

The bill would take effect 90 days after its enactment.

MCL 338.1052 et al.

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have an indeterminate, but potentially significant, fiscal impact on the Michigan Department of State Police (MSP). The bill would authorize the MSP to license a more broadly defined category of private security police. This responsibility potentially could be handled by the Michigan Commission on Law Enforcement Standards, which already licenses and regulates law enforcement officers and private security police officers. By expanding the population eligible to be licensed as private security police, the bill could cause the MSP to incur additional responsibilities, at a cost that is unclear, since the number of people that would seek licensure as a result of the bill cannot be known at this time. Currently, the MSP licenses only 15 such agencies, primarily in the health care industry. According to the MSP, should interest in obtaining licenses increase to any great extent, and require a greater degree

of regulatory oversight, the MSP could require a more sophisticated database, which would include computer programming costs of \$300,000 to \$500,000 and an additional FTE at a cost of \$150,000.

Currently, the MSP charges biennial application fees of \$200 if the applicant is an individual or sole proprietorship, or \$300 if a business entity, resulting in annual fee revenue of approximately \$1,800. While General Fund dollars already are used to augment fee revenue supporting the regulation of private security police, this amount would increase markedly if license activity increased under the bill.

The bill also could have some fiscal impact on local law enforcement, as any increased level of arrests by private security police resulting from the bill would require local law enforcement agencies to accept, process, and adjudicate those arrests.

Fiscal Analyst: Bruce Baker